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E. L. VAUGHAN
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EDITOR'S PREFACE

THE contents of this volume of the *Papers* were arranged and approved by Mr. A. H. Smith before leaving the School in 1931. Delays since then have been largely due to the change in Director, and to the finishing of the drawings for the article by Mr. Minoprio on the Basilica of Constantine. The present editor has, however, ventured to add the short note on the town-gates of Torino and Spello, as the preliminary to a series of articles upon Italian fortifications of the Roman age. It is also hoped to publish the next volume at a shorter interval of time.

Rome, 1932. I. A. RICHMOND.

CONTENTS

		PAGE
Preface		v
Anthony Minoprio	A Restoration of the Basilica of Constantine, Rome	1
A. I. Cameron	Two Groups of Documents relating to John Baliol from the Vatican Archives	26
E. T. Salmon	A Topographical Study of the Battle of Ausculum	45
I. A. Richmond	Augustan Gates at Torino and Spello	52

LIST OF PLATES

A RESTORATION OF THE BASILICA OF CONSTANTINE, ROME

PLATE

I. Plan of Basilica of Constantine showing Alterations and Previous Remains.

II. Basilica of Constantine: Actual State Looking East.

III. Basilica of Constantine: Additional Entrance from Sacra Via.

IV. Basilica of Constantine: Restored Façade on Sacra Via.

V. Basilica of Constantine: Actual State viewed from Sacra Via.

VI. Basilica of Constantine: East Façade Restored.

VII. Basilica of Constantine: Restored Plan.

VIII. Basilica of Constantine: Restored Cross-section through Long Axis.

IX. Basilica of Constantine: Restored Cross-section through Short Axis.

X. Basilica of Constantine: Perspective of Nave and North Bays.

XI. Basilica of Constantine: West Apse with Colossal Imperial Statue.

XII. Basilica of Constantine: Additional North Apse.

XIII. Basilica of Constantine: Actual State looking West.

TWO GROUPS OF DOCUMENTS RELATING TO JOHN BALIOL FROM THE VATICAN ARCHIVES

XIV. Genealogical Chart of the Competitors and Baliol's Letter of Defiance.

XV. Exemplar relating to Baliol's Imprisonment.

ILLUSTRATIONS IN THE TEXT

A RESTORATION OF THE BASILICA OF CONSTANTINE, ROME

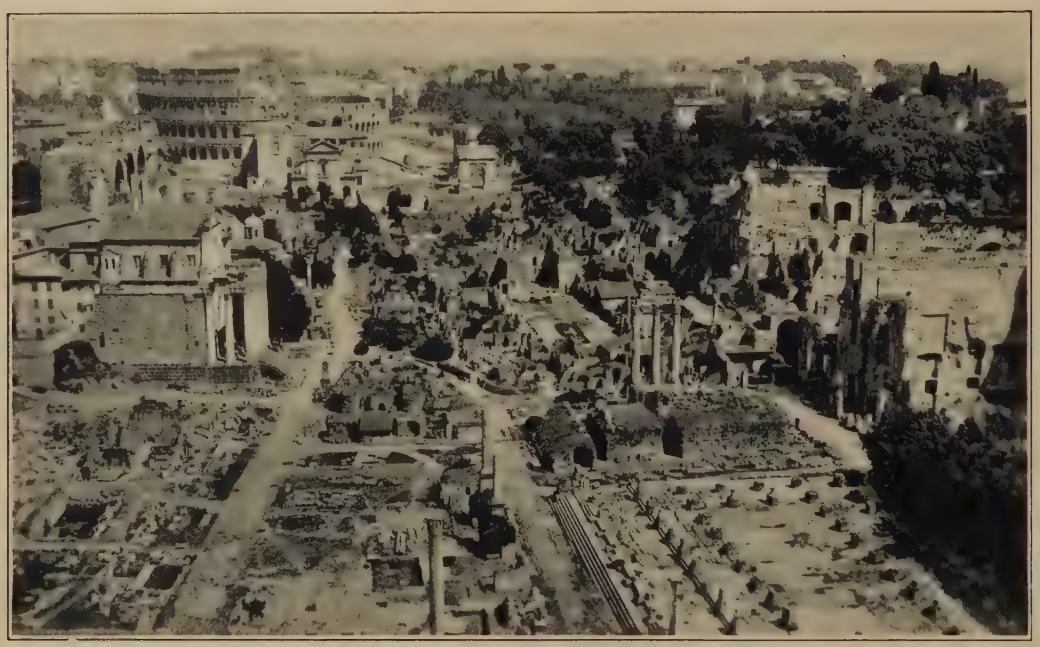
FIG.		PAGE
1.	The Basilica of Constantine, Rome . . . . . *facing page*	1
2.	The Forum Romanum as it is To-day . . . . . ,, ,,	1
3.	Stages in the Development of the Basilica, showing Departures from the Original Plan	2
4.	Drawing, now in the Uffizi (No. 1711), made during the Fifteenth Century when Two Columns were still *in situ*	3
5.	System of Construction according to Durm	6
6.	Flying Buttress of the Nave Vaulting	7
7.	A Comparison: Tepidaria of the Thermae with the Nave of the Basilica	8
8.	Colossal Head of Constantine	10
9.	The Basilica in the Eighteenth Century	11
10.	Plan of the Basilica by Andreas Coner (1515)	12
	Plan by an Unknown Sixteenth-Century Artist	12
11.	The North-west Bay	14
12.	The North Apse	15
13.	The North Apse	16
14.	The Basilica and the Golden House	18
15.	System of Construction	20
16.	The Ribs of the Barrel Vaults	21

AUGUSTAN GATES AT TORINO AND SPELLO

1.	Torino. Roman Town-wall at the Torre della Consolata, North-west Angle-tower	52
2.	Porta Palatina, Torino. Concrete of Wall setting against Western Brick-work Courtyard-wall . .	53
3.	Porta Palatina, Torino. Junction of East Courtyard-wall with the Stepped Base of the East Tower .	53
4.	Porta Palatina, Torino. The Bonded Structure of the Western Tower-base and Gateway-pier . .	54
5.	Porta Palatina, Torino. East Junction of the Wall with the East Gate-Tower, showing the Stepped Bond	55
6.	Porta Palatina, Torino. Junction of Curtain and East Tower	56
7.	Porta Palatina, Torino. Rear of East Tower, showing Junction with Curtain-wall bonded with Through-stones, and the Construction of the Town-wall	56
8.	Porta di Venere, or Torri di Properzio, Spello	57
9.	Torre di Properzio, Spello. The Northernmost Tower of Porta di Venere	58
10.	Torre di Properzio, Spello. Junction of Curtain with Tower, showing traces of Decoration . .	59
11.	Porta di S. Ventura, Spello	60

Fig. 1. The Basilica of Constantine, Rome.
[*Photo taken by the author in* 1927.]

BASILICA OF CONSTANTINE. COLOSSEUM. PALATINE HILL.



VIA SACRA BASILICA JULIA

Fig. 2. The Forum Romanum as it is To-day.

A RESTORATION OF THE BASILICA OF CONSTANTINE, ROME.

By ANTHONY MINOPRIO, M.A., A.R.I.B.A.;

Henry Jarvis Student, 1925–7.

NOTE

This restoration attempts to show the Basilica as it actually appeared about A.D. 320, with the alterations and additions of Constantine, rather than as it was originally designed by the Maxentian architect. For this reason the author prefers to call the building the Basilica of Constantine, as in antiquity.

PART I.

History of the Building.

The Basilica of Constantine (Fig. 1), the last and greatest of Roman civil basilicas, was begun by the Emperor Maxentius shortly after the fire of A.D. 307, which destroyed the Temple of Venus and Rome and, presumably, other buildings in this part of the Forum Romanum (Fig. 2).

The work of reconstruction in this area included not only the rebuilding of the Temple, but the erection of a new civil basilica to line the monumental approach to it. This vast building occupied a site 120 yards long by 80 yards deep along the north side of the Via Sacra, over the remains of the Portico of Nero's market hall and the Spice Warehouses (Horrea Piperataria) of Domitian (Plate I.).[1] It was entered from a narrow road at right angles to the Via Sacra, which separated it from the colonnade of the Temple of Venus and Rome.

The new building followed the traditional type of Roman basilica in having a lofty nave terminating in an apse, but its vaulting and aisles resembled the central halls of the Roman thermae or, closer still, the market-hall of Trajan's Forum. Maxentius did not live to see the completion of his work, as he was defeated by his rival Constantine 'ad saxa rubra' and met his death at the Milvian Bridge in A.D. 312. Shortly afterwards, the Senate dedicated to Constantine the buildings which Maxentius had erected, namely, the Templum Sacrae Urbis and the Basilica.[2]

By this time the building must have been well advanced, but at the last moment several important alterations were made. These were a flight of steps, added to the high portico on the south side, thus forming a new entrance from the Sacra Via, and, opposite it, an apse built to house the west tribunal, leaving the original apse at the west end of the nave free for a colossal statue of Constantine (Fig. 3).

Like the other great public basilicas, the building was used as a Bourse, as a Law Court and as a meeting-place for business men, particularly during bad weather, when the affairs of the Forum were transferred to the basilicas. The building was frequented not only by bankers, merchants, estate agents and money-

[1] The Plates are to be found at the end.

[2] Aurelius Victor, *De Caess. Lib.*, 40. 26.

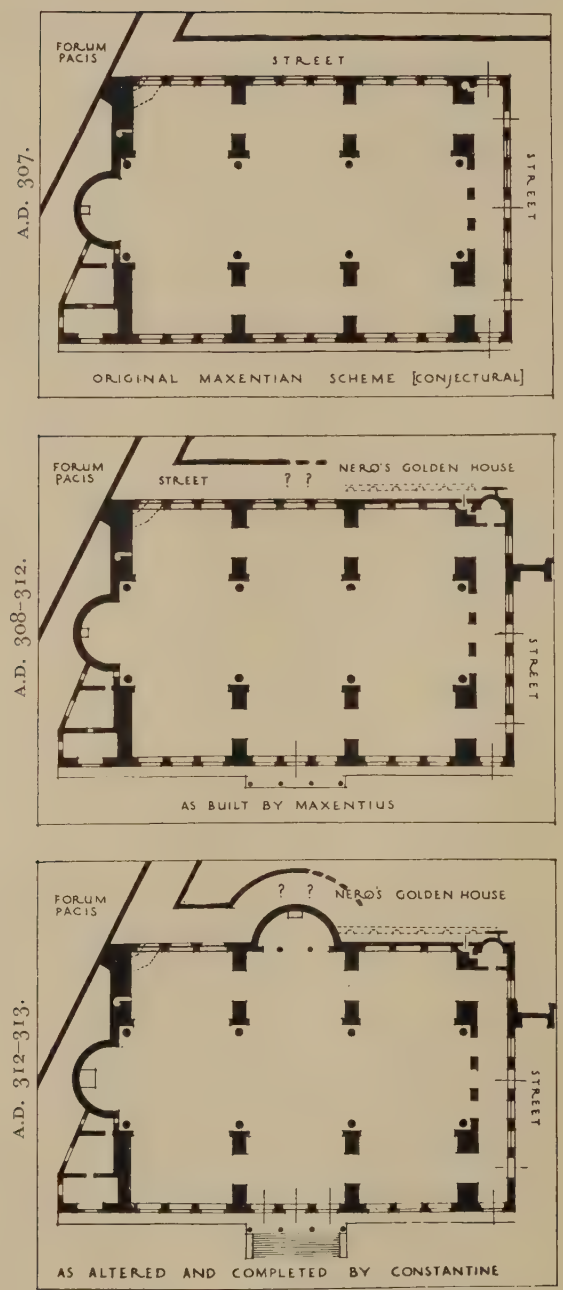


FIG. 3. STAGES IN THE DEVELOPMENT OF THE BASILICA, SHOWING DEPARTURES FROM THE ORIGINAL PLAN.

changers, but also by the general public, who were attracted there by the numerous small booths erected for the display of jewellery, works of art and goods imported from the East.[1]

The destruction of the Basilica can hardly be attributed to fire, as its concrete construction rendered it fire-proof. The high cost of keeping so large a building in repair and the difficulty of adapting it to meet practical requirements probably led to its disuse at an early date. It seems likely that the earthquake of 847, which overthrew the Basilica Aemilia and S. Maria Antiqua,[2] was responsible for the collapse of the roof of the nave. A sketch made in the fifteenth century, assigned to Bramante, shows that only the north aisle and two columns remained standing at that time (Fig. 4). In 1613, Pope Paul V ordered the only remaining column to be erected in Piazza di S. Maria Maggiore, where it now stands. After the collapse of the Basilica, the ruins were used in succession as part of a villa garden, as a cattle shed, and as a riding-school and drilling-ground for recruits of the French Army of Occupation between 1809 and 1815. These troops were responsible for the destruction of all the remaining pavement of the Basilica.[3]

In 1900 the paving of the two late-Imperial streets and of the Neronian Via Sacra were removed and the ground was excavated to its present level—that of the Augustan Sacra Via.

The Basilica has always attracted the attention of antiquaries and architects, as may be seen from the large number of drawings of it made during the Renaissance. The similarity in plan between the Basilica and Santa Sofia has been held by Rivoira[4] to suggest that the design of the latter was derived from

[1] De Ruggiero, *Foro Romano*, p. 390. This practice of erecting stalls or workshops in the basilicas was later forbidden by the *Codex Justiniani* (Krueger), II, 21.

[2] S. Maria Nova was dedicated after 847 to replace S. Maria Antiqua. See *Rendiconti R. Acc. Lincei*, Ser. V. xxi (1912), p. 765; and Duchesne, *Lib. Pont.* II. 208.

[3] Lanciani, *Ruins and Excavations*, p. 206.

[4] *Roman Architecture*, p. 208; *Architettura Romana*, p. 250.

the Basilica, and there is no doubt that the great barrel-vaults were an inspiration to Bramante in his design for St. Peter's. The great advance in constructive skill made by Roman architects since the time of Augustus was accompanied by a correspondingly striking change in taste, and this is demonstrated by the few remaining fragments of ornament in the Basilica; but apart from decoration, its fine conception and bold execution have enabled the Basilica Nova to take its place in the history of architecture as one of the great buildings of the world.

PART II.

The Exterior.

The Façade on the Via Sacra. (Pls. I, II, III, IV.)

As originally built, the Basilica had a terrace, 7′ 6″ wide, running the whole length of the south façade, overlooking the Sacra Via. Shortly afterwards a projecting portico, 79′ 0″ long, was built against the terrace opposite the middle bay, to which three doors gave access from the south aisle.[1] The absence of bonding suggests that the portico was an afterthought, but its brickwork is clearly Maxentian.

The portico had four Corinthian columns with pilaster responds against the wall, as can be seen from the holes for the foundations. It has, however, been considered uncertain whether the porphyry columns now in position originally belonged to the portico; but they are accepted here for the following reasons. The early excavators realised [2] imperfectly that there were four street-levels here, the first of Augustus, the second of Nero, the third contemporary with the Basilica and the fourth mediaeval. They tended to omit the second, and to fuse the third and fourth. Boni[3] noted, however, that a fragment of porphyry column occurred below the Neronian road: and this

Fig. 4. This Drawing, now in the Uffizi (No. 1711), was made during the Fifteenth Century when Two Columns were still *in situ*.

observation, if true, would settle the matter. But the pavement contemporary with the Basilica[4] was 'assai malconcio e pieno di lacune,' and so was that of Nero below it, while the area was penetrated by at least one

[1] These entrances have since been filled up to a height of about 2′ 0″.

[2] For the Neronian level, Ashby, *Class. Rev.*, xiv (1900), p. 239: for the mediaeval, Lanciani, *Not. Scav.*, 1878, p. 341. The other two were generally recognised, cf. Burton Brown, *Recent Excav. in R. Forum*, pp. 169–70.

[3] Instigated by Ashby, *Class. Rev.*, xix (1905), p. 76, note 2.

[4] Lanciani, *Not. Scav.*, 1878, p. 341.

mediaeval well, later than the ninth century.[1] Thus it is easy to attach too much importance to the position of this column-fragment, which may have reached its position very late, for example, when the area was cleared [2] for Charles V, in 1536. Finally, all the pre-Maxentian buildings (see Appendix) are unsuited to such columns, and these are of the correct diameter for the Basilica's portico.

The frieze of this portico provides the only suitable place on the building for the dedication to Constantine, recorded for the Basilica and Fanum Sacrae Urbis by Aurelius Victor.[3] Much of the latter inscription, also on a portico, is preserved [4] in versions by Panvinius and Ligorio, and agrees tolerably well with the sort of text desired here, a short dedication in two lines. The spacing makes unsuitable the suggestion [5] of Franklin and Hafner, based on a fragment with inlaid metal letters found in the *clivus ad Carinas*. Here the arrangement adopted is shown in Plate III; it does not aspire to any authority, but it cannot be far from the truth. Later, a flight of steps was built against the portico by Constantine in order to make an entrance from the Sacra Via. The absence of bonding again shows that these steps were not part of the additional loggia, whose face continues behind them fully finished. They were probably contemporary with the north apse. Statues crowned the bastions to right and left of the portico steps, and along the edge of the terrace ran a balustrade. The side of the Sacra Via was lined with dedicatory statues, the pedestals of which were found in the excavations of 1882.[6]

The south façade was pierced by fifteen arched windows in groups of three corresponding to those on the north side, except in the middle bay, where there were three doorways on the south and an apse on the north.

The small room at the south-west corner of the building was lit by a single window on this façade; the projection of the rooms at the west end from the main block was balanced by the projection of the narthex at the east end. Owing to the restoration of the brickwork at the south end of the narthex it is not clear whether there was originally a door or a window at this point, but it would have been convenient to have a door here, opening on to the Sacra Via. A tile-and-stucco cornice, without frieze or architrave, was carried round the building just below the sills of the upper row of windows in order to form a string-course, and would join the enriched marble cornice of the central portico. The main cornice of tile and stucco, supported by travertine modillions, was on a level with the roof of the aisles. Part of it still exists at the east end. The brickwork was everywhere faced with stucco moulded as coursed ashlar, as may be seen on the east wall of the Basilica above the narthex (Plate V). In this it resembled the recently-built Curia of Diocletian.

The East Façade and Narthex. (Pls. V, VI, XIII.)

The original entrance to the Basilica was from a narrow street at the east end through a single-storey narthex projecting from the main block of the Basilica. There were two entrances to the narthex on this façade, one on the axis of the nave, the other on the axis on the south aisle. This is shown by the brick facing in the reveal, which goes right down to the threshold, and by the fact that these two openings are one foot wider than the windows.

[1] Ashby, *Class. Rev.*, xiv (1900), p. 239.
[2] *Archiv. R. di Storia Patria*, i (1878), p. 313.
[3] *Vit. Caess.*, 40, 6.
[4] *C.I.L.*, vi, 1147.
[5] *A. I. A. Journal*, xii, 1924, p. 79, note 28: *Not. Scav.*, 1879. p. 313*d*. Note that the ascription was not made by Lanciani.
[6] *Not. Scavi*, 1882, p. 220–1, and 1879, Tav. vii, also *C.I.L.*, vi, 1653, 1663.

The window sills, however, at 4′ 9″ above the street pavement, were cut away in some late period, as may be clearly seen by the facing. The two end windows to the north of the narthex are both hidden by the remains of Nero's Golden House; and a large mass of Neronian concrete outside the narthex at this point proves that there was never a road running round the Basilica, as has often been suggested, although a road may have been intended. The narthex was faced with stucco, as is shown by the absence of cramp holes for marble slabs, and although the Renaissance drawings restore columns on this façade, Nibby excavated here in 1819 and was unable to find any trace of column bases or foundations.[1] The fact that the selce pavement of the original road still runs right across the front of the piers seems decisively against the theory of an applied order. Such decoration of the narthex would have run counter to the simple treatment of the main walls, and, anyhow, the colonnade of the Temple of Venus and Rome largely masked it. Above the roof of the narthex, the end wall of the nave was pierced by three arched windows, of which some brick voussoirs can still be seen.

Above these windows was the main cornice, of which many of the travertine modillions still remain. Immediately above the cornice was the large clerestory lunette similar to those on the north and south sides of the nave.

The Rooms at the South-West. (Pls. I, VII.)

At the south-west angle of the Basilica were small rooms, which must have been approached through an opening in the corner of the nave. The exact purpose of these rooms is uncertain; Franklin and Hafner[2] suggest that the records of the court were kept here, and it seems probable that these rooms were in some way connected with administration.

The restoration of their walls, staircase and windows is largely conjectural. The remains of a narrow stair leading from the Basilica to the roof of these rooms can be seen ascending the wall at the south-west (Plate II). This part of the building would have been a good position for latrines, but of these there is no trace throughout the building.

The Street to the Carinae. (Pl. I.)

Below the west apse is a cellar approached through a doorway in the street to the Carinae; it is roofed with concrete barrel vaults springing from the wall of the apse and from two square piers. Against the north side of this apse are two projecting walls of late-classical brickwork on the level of the fourth-century street, the present road, at Augustan level, being some four feet lower at this point. From their position and the fact that there are remains of a cement lining, splayed at the bottom, on the inside of these walls, it is evident that they formed the cistern of a street fountain.

The Tunnel. (Pl. I.)

The north-west angle of the Basilica was built against the wall of the Forum Pacis, thus blocking the northward street. It was therefore necessary to build a tunnel, 12′ 0″ wide and 20′ 0″ high, in the substructures of the Basilica in order to carry the road. A large triangular buttress with many relieving arches was built to support the angle over the tunnel, and run up against the rusticated masonry wall of the Forum Pacis, as the impressions of its blocks and crowning mould show.

The North Side.

The present ground level against the north wall of the Basilica is 45′ 0″ above the ground

[1] Nardini, *Roma Antica* (Ed. Nibby, 1818), p. 279; Nibby, *Roma Antica*, ii, p. 238, del.

[2] *A. I. A. Journal*, xii, 1924, p. 325.

level inside the building. The outside of the north wall is accessible at the higher level from a nursery garden approached from the Via del Colosseo.

the building is a small yard, now closed, where one of the relieving arches above the tunnel can be seen under the ground-floor windows.

The Roof.—On the sloping roofs of the aisles

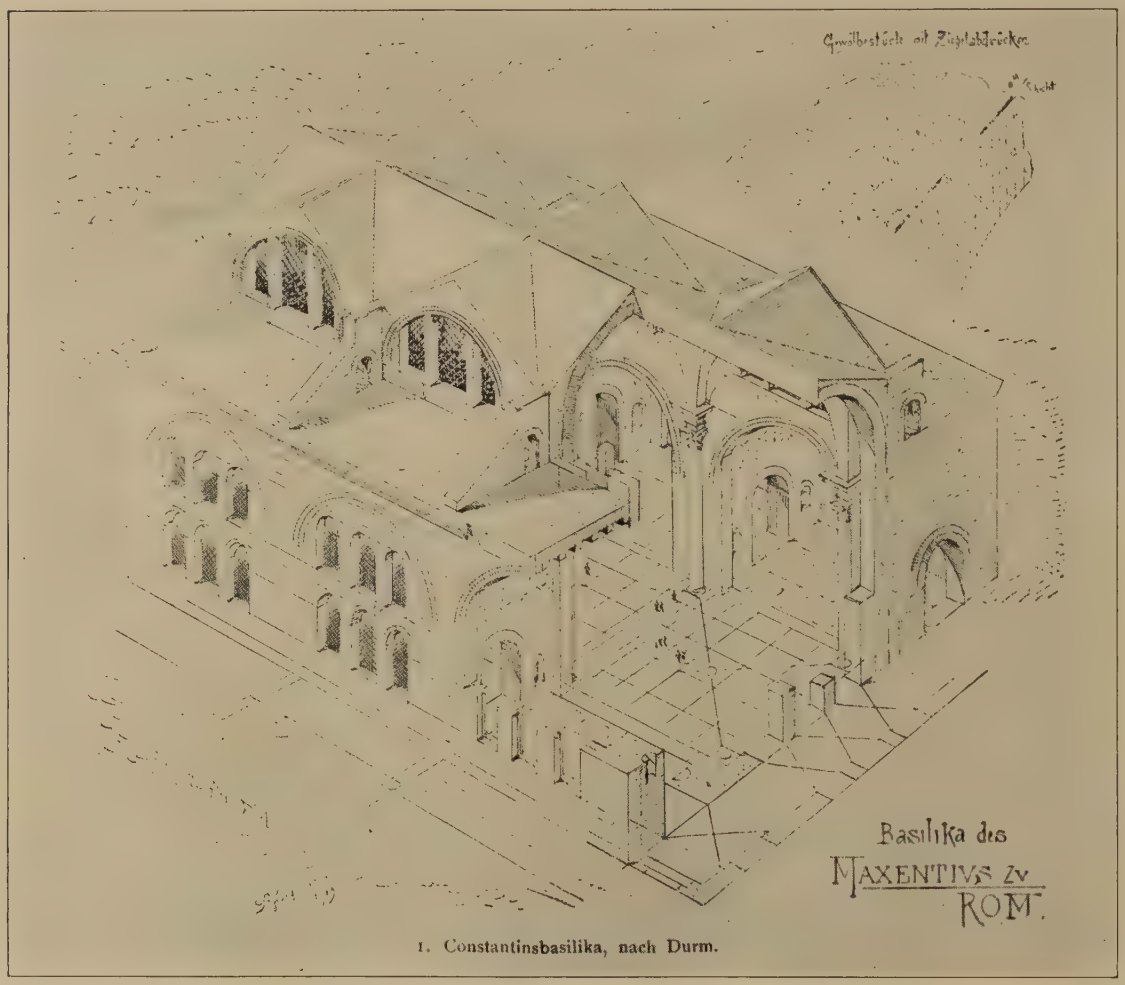


FIG. 5. SYSTEM OF CONSTRUCTION ACCORDING TO DURM.

There is no evidence to support Durm's restoration of the buttresses. The step is unnecessary and would look clumsy projecting above the pediments at the east and west ends. No way on to the roof is shown, although we know that there was a staircase on the buttress at the north-west corner.

From this garden it can be seen that the north apse had a tile cornice supported by travertine modillions similar to those at the east end, and a tiled dome stepped in the usual Roman manner. At the north-west corner of

were eight buttresses which transmitted the thrust of the nave vaulting on to the piers between the barrel vaults below (Figs. 5, 6). From the fallen fragment of the north-west buttress in the Forum of Peace it may be seen

that a staircase on top of the buttress led to the roof of the nave. Possibly all eight buttresses had similar staircases.

The circular staircase at the north-west arrived at the roof of the aisle in a recess in the middle of the buttress, from whence one passed to the stair on top of the buttress. On d'Espouy's restored elevation of the Basilica [1] the staircases on the buttresses lead to small doorways in the clerestory; from these, steps presumably led to the roof of the nave. From the inclination of the tops of the remaining buttresses, and a measurement of the steps on the fragment of buttress in the Forum of Peace, it appears that some such arrangement might have been adopted, as the staircases would not have been steep enough to lead directly to the roof.

The large fragment of the nave vaulting lying in the middle bay of the north aisle shows that the roof was covered with tiles laid directly on the concrete, and not with bronze plates as has been supposed.[2] Two pieces of roof-tile, one red, the other yellow, still remain *in situ* to prove this. It is clear from the imprints on the concrete that the tiles were parallel-sided and were lapped in the usual Roman manner. No complete tile remains to show us their exact shape, but probably they were of the usual pattern with a flange at each end and a ridge at the sides, as Durm indicates.[3]

The gables may have been adorned with finials or acroteria. A high balustrade, with a bronze group of statuary at the foot of each buttress, is given to the roof over the aisles, and a balustrade to the narthex roof.

Fig. 6. Flying Buttress of the Nave Vaulting.
Note coffering of main vault, to left.

[1] *Fragments Antiques*, vol. i, Pl. 100.
[2] On a misunderstanding of *Lib. Pont., Vit. Honorii*, 119, iii.
[3] *Baukunst der Etrusker & Römer*, p. 325, fig. 353.

The disposal of rain-water from so large an area of roof was no small matter, but there is nothing to show how this was dealt with. Rain-water was usually discharged from the roof through spouts in the cornice; but the height and area of the Basilica roof would make this practice undesirable, and one might reasonably suppose that pipes were used. There are no signs of ducts or chases in the brickwork, so it is possible that lead rain-water pipes were fixed to the walls, as at Herculaneum.

PART III.

The Interior.

The plan of the Basilica had long been current in urban architecture of the Empire for *basilicae* and *curiae*, and was being adopted wholesale for Christian churches. But the method of roofing the building, with huge concrete vaults, durable and fireproof, was rarer, and belonged primarily (see Appendix) to Market-halls and to Baths (Fig. 7).

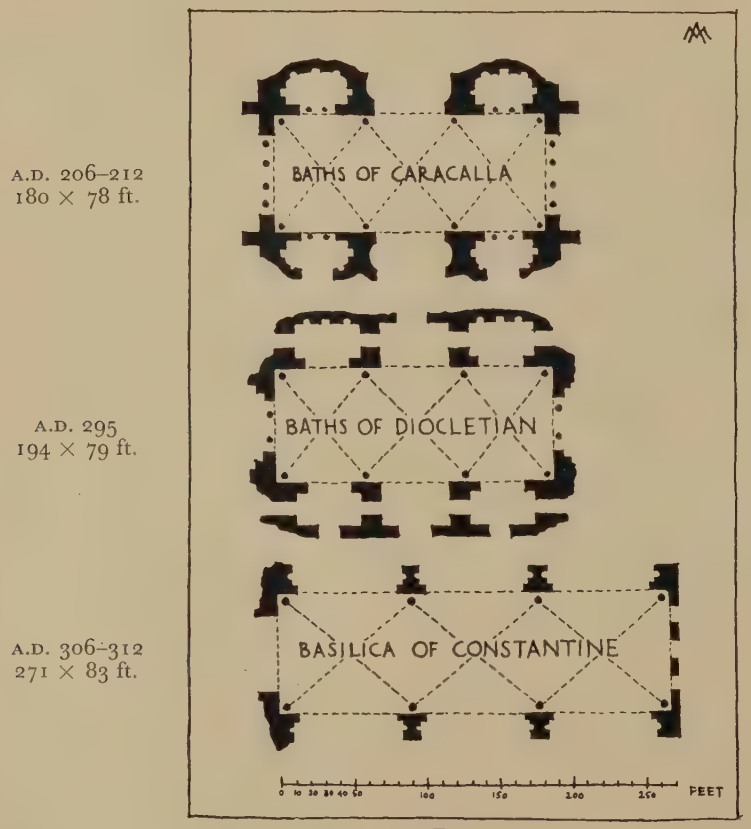


Fig. 7.

Instead of the usual colonnade in two storeys

on either side of the nave, there were three huge barrel-vaulted bays forming side aisles 52′ 0″ deep and 79′ 0″ high. The barrel vaults were supported by the massive end walls and by the piers, each 11′ 0″ thick, which separated the bays; the groined vaulting partly by these, partly by the eight monolithic columns which stood in front of them at the sides of the nave. Above each barrel vault and at both ends clerestory lunettes lightened the structure and lit the hall. The bays were lighted both by these and by tall arched windows in the exterior wall.

The Nave. (Pls. VII, VIII, IX, X.)

The pavement of the Basilica was of several different varieties of marble. Fea [1] says that giallo, cipollino, porphyry, serpentino and pavonazzetto were used. Of the existing plans of the Basilica, that given by Canina [2] seems to agree more closely than any other with the actual state and has the merit of giving figured dimensions of the floor pattern. Caristie and Canina both show five rows of squares in the nave with seventeen squares to the row.[3] According to Canina the squares were 12′ 0″ × 12′ 0″ enclosing alternately smaller squares and circles; they were separated by bands of a different marble, perhaps white Carrara, 3′ 9″ wide.

The walls of the nave were faced with thin slabs of marble attached to a concrete bedding with bronze clamps; the holes made by the latter may be seen in the unrestored parts of the piers, and the restoration of the pattern has been based on a study of these holes as they appear in photographs taken by Anderson and Alinari about twenty years ago, before the brickwork was repaired.

The wall-decoration thus consists of thin slabs of different marbles applied in geometrical patterns, a style introduced on a large scale to Rome in the Augustan age, but usually in a moulded frame or architectural setting, for the panels. Here, however, the frame is dispensed with, and the decoration depends for its effect, like wood-veneering, on the contrast between panel and panel, seen to its best success in Kahriyeh Jamissi and Aya Sofia, Constantinople.[4] Once again, the simpler treatment, as in modern wood panelling, reflects the changed ideas of the age.

From an examination of the clamp-holes shown on one of the Alinari photographs (No. 5841) it would appear that the marble slabs were carried up to the line of the clerestory window sills; above this line the walls were presumably covered with painted stucco. The Corinthian columns in the nave were of Proconnesian marble. They had monolithic shafts 52′ 0″ long [5] with 24 flutes. The cap was 7′ 9″ and the base 3′ 6″ high. The cap at Santa Maria Maggiore is not the original one, being somewhat smaller.[6]

A considerable part of the marble entablature still remains *in situ*, and some fragments of the cornice lie at the west end of the nave. The cyma is enriched with a boldly carved anthemion and the modillions and rosettes come immediately below it, the fascia being omitted.

The clerestory lunettes were divided into three by brick mullions which supported

[1] Correcting Nibby; *La Basilica di Constantine sbandita dalla Via Sacra*, p. 12.

[2] Valadier and Canina, *Aggiunte e correzioni all' opera sugli edifizi antichi di Roma dell' Architetto A. Desgodetz*, 1843, Cap. vii, tavola ii, 21. Except, however, the eastern columns.

[3] Caristie, *Plan et coupe d'une partie du Forum romaine*, plan.
Canina, *Aggiunte e correzioni all' opera . . . dell' architecto A. Desgodetz*, cap. vii, tav. ii, 21.
Angelini and Fea, *Il Foro romano . . . dal* 1809 *al* 1837, plan, give sixteen.

[4] Lethaby and Swainson, *S. Sophia, Constantinople*, p. 241, fig. 47: cf. Marucchi, *Bull. Com.*, 1893, pls. iv, v, for the hall of Junius Bassus, consul of A.D. 317.

[5] Measurements taken from the column in the Piazza di S. Maria Maggiore by direction of Professor Gorham P. Stevens, Director of the American Academy in Rome. See *Memoirs Amer. Acad. Rome*, vol. iv, p. 142, fig. 20.

[6] Franklin and Hafner, *A. I. A. Journal*, xii, 1924, p. 185: Bramante, *Uff. Arch.*, 1711 = Bartoli, *Disegni degli Uff.*, i, pl. xxiv, fig. 50 figures the original cap.

bronze tracery, probably in varied patterns, as at Santa Sabina on the Aventine.

Glass was generally used in windows at this time, but marble and selenite have also been suggested. Parts of the windows doubtless were unglazed to allow ventilation, with grilles to keep out the birds.

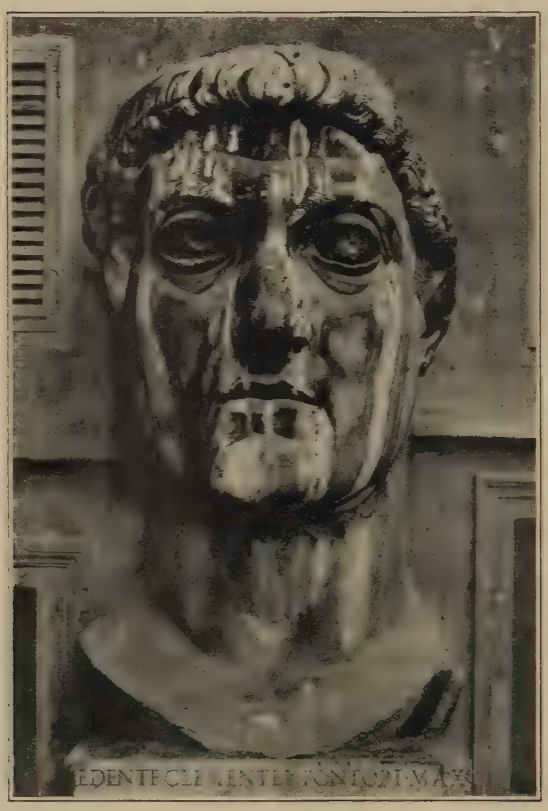


Fig. 8. Colossal Head of Constantine.

Now in the Palazzo dei Conservatori. The head measures 6 ft. from crown to chin.

The ceiling of the nave consisted of three quadrupartite vaults, lightened and ornamented by coffering. The coffers were enriched with stucco, egg-and-dart and leaf mouldings, and were probably painted and gilded.

D'Espouy's restoration of the coffering [1] does not entirely agree with what remains of the design on the large fragment in the middle bay of the north aisle, but it seems to be approximately correct. The diagonal ribs were decorated with oval coffers; one of these still exists on the mass of concrete at the west end of the Horrea excavation, and the bend in the coffer shows that it occupied a position on a rib. From the roof of the building the lower part of another oval coffer may be seen just above the timber beam which supports the remaining mass of nave vaulting (Fig. 6).

The main ribs were decorated with a crude acanthus garland in stucco, some of which still remains on the large fragment of vaulting near the east end of the nave. Above the three archways leading into the narthex were three arched windows, and above these again was the clerestory lunette.

The West Apse. (Pl. XI.)

Nothing remains of the decoration of the west apse. There are no traces of niches like those in the north apse, nor do the Renaissance plans show any. The semi-dome was probably ornamented with hexagonal coffering as in the north apse. Since the apse was adequately lighted, from the big clerestory windows in the nave, no window need be postulated therein, and all light would thus fall obliquely on to the colossal statue which it held.

In 1487 eight fragments of a colossal statue were found amongst the ruins of the Basilica,[2] and are now to be seen in the Palazzo dei Conservatori. The head was long mistaken for that of Commodus, but there is in fact no doubt that it is Constantine's (Fig. 8). Thus it was that Constantine, after his victory 'ad saxa rubra,' added the north apse, into which he moved the tribunal, so that he could place

[1] *Fragments d'Architecture Antique*, vol. ii, Pl. 100.

[2] Albertinus, *Opusc. de Mirabilibus Romae*, f. 86; cf. Stuart Jones, B.S.R. Cat. *Palazzo dei Conservatori*, pp. 5–6, 11–14.

a colossal statue of himself in the apse at the west end of the nave.

During the seventeenth century houses were built in the ruins of the west apse, as may be seen in Piranesi's etching (Fig. 9), with the result that nothing remains of the base of the statue. However, two Renaissance plans of the Basilica, one by Andreas Coner (1515),[1] and another by an unknown artist,[2] not only show the base, but give its dimensions, which are truly colossal (Fig. 10).

From the existing fragments and contemporary coins a careful restoration of the statue was made by the late Mr. Emile Jacot (Rome Scholar in Sculpture, 1925) with the assistance of Professor Bernard Ashmole, then Director of the British School at Rome. (See Plate IX.)

Petersen remarks [3] that the figure was seated, and this is doubtless correct, for, if the figure were standing, the head would come considerably above the springing of the semi-dome of the apse. Further, the broader and shorter mass of a seated figure accords better with the proportions of the apse which frames it, and the head comes in its normal position on the line of the springing.

The statue was clearly acrolithic, the materials used being bronze and marble. Presumably a brick core supported the head,

Fig. 9. The Basilica in the Eighteenth Century.

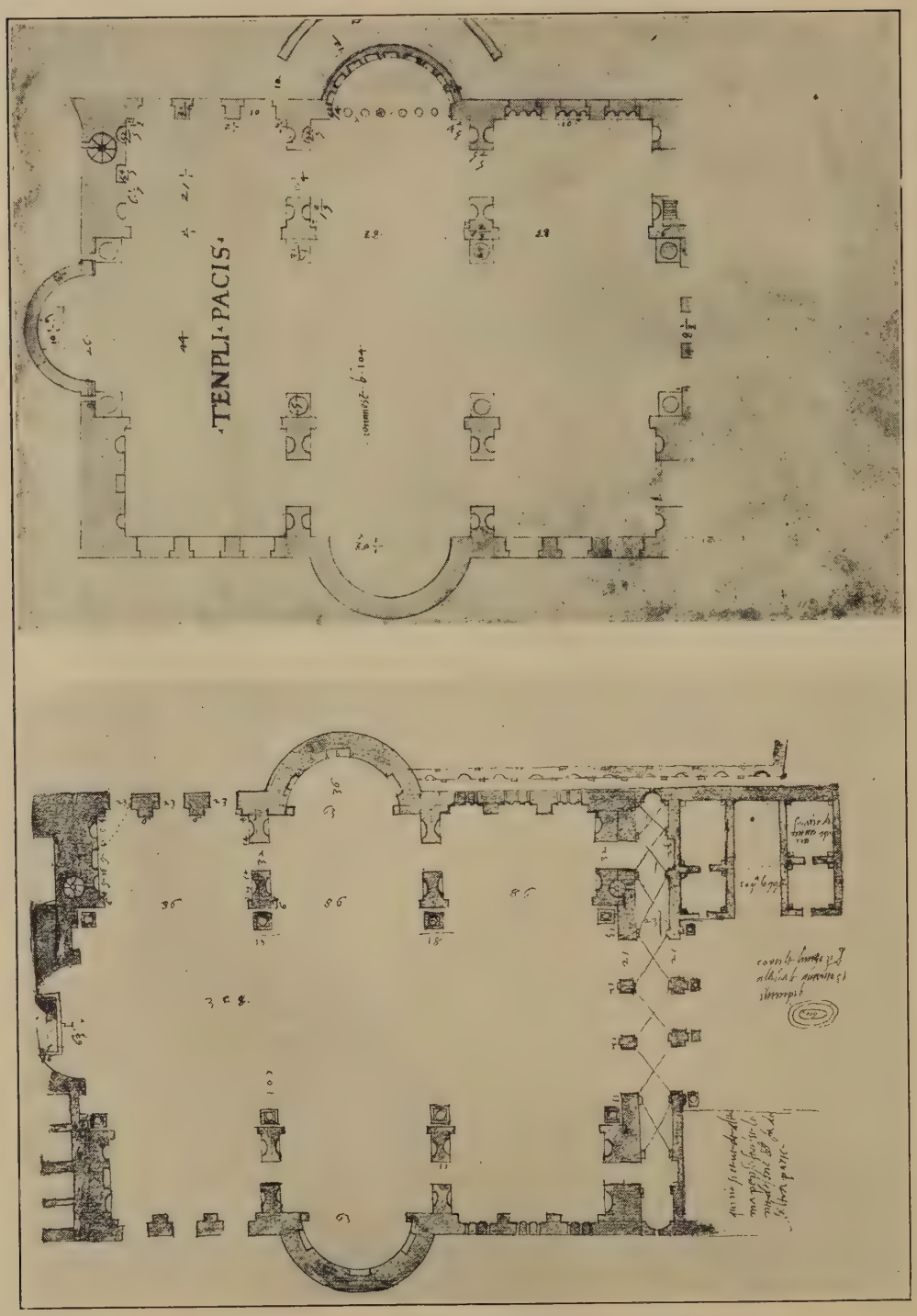
An etching by Piranesi showing the niches in the windows of the north-east bay, and the house built in the west apse. Traces of the foundations of this house appear on plates. (Actual State plan. Brickwork plan.)

[1] Ashby, *P.B.S.R.*, ii, Pls. 16, 59.

[2] *Mélanges d'Arch.*, xi, p. 164, Pl. iv.

[3] *Dissertazioni della Pontificia Accad. Rom. di Archeologia*, Serie ii, vii, p. 159.

PLAN OF THE BASILICA BY ANDREAS CONER (1515).
Note base of statue and road round north apse.



PLAN BY AN UNKNOWN SIXTEENTH-CENTURY ARTIST.
Note base of statue and remains of the Golden House.

FIG. 10.

which weighed some eight or nine tons, while the weight of the arms was probably taken by the sides of the throne.[1] The throne itself has been restored on the model of one of this period in the Musée de Boulacq, Cairo.[2]

The figure of the Emperor is shown in belted cuirass[3] and paludamentum, bearing a sceptre and globe surmounted by a victory, as on many of his coins. It is usually thought that the right hand held a spear, but we have restored a sceptre for the following reasons. In the first place, the arm cannot have been high in the air, for a shallow socket in the forearm immediately below the elbow suggests that the forearm rested horizontally on a support, which can hardly have been anything but the arm of the throne. Secondly, numerous coins prove that the type of representation of the Emperor holding sceptre and orb was as well known as the spear-holding type. Again, this solution gets rid of the great difficulty of supporting the vast weight of a colossal arm, which a spear even of the largest proportions would have been unfitted to do. Finally, the sceptre and orb give a better balance to the statue than the spear. The diadem is copied from a silver medallion,[4] the portrait head on which most closely resembles the present statue. The absence of dowelling in the feet suggests that there were no boots,[5] and this is confirmed by the careful finish of the sole. The clue to the arrangement of the lower part of the drapery is given by the treatment of the inside of the right leg, which is provided with sockets for the wooden framework carrying the bronze drapery.

The right knee was bare and a dowel hole at the top and a square socket at the back prove that the bronze drapery covered the right leg above this point. Nothing remains of the left leg above the ankle; and, following a tradition in seated imperial statues as old as Tiberius, we have arranged the paludamentum so as to cover it.

The base of the statue was probably built of brick faced with marble, and doubtless carried an inscription recording the triumph of Constantine.

The Aisles. (Pls. IX, X, XII, XIII.)

It seems to be clear from the existing plans that the floor pattern in the end bays of the aisles consisted of three rows with three squares and two rectangles in each row. A part of the original pavement has been reconstructed at the west end of the south aisle;[6] it can be seen that the squares were of verde antico on a giallo ground, with a white marble band dividing the nave from the aisles.

The middle bay of the north aisle had a pattern of smaller squares, traces of which may still be seen near the north apse. There were probably eight rows with twelve squares to the row. We have nothing to show what was the pattern in the middle bay of the south aisle; possibly it corresponded to that of the bay opposite.

In the piers, archways 35 feet high gave access from one bay to the next, and at either side of these archways were niches for statues. The piers and niches had a marble veneer, the concrete bedding of which still remains in some of the niches and in the north-west corner of the building (Fig. 11). The clamp holes show that the marble slabs were applied in a broad simple design. The concrete ground of a marble skirting 2′ 0″ high may still be seen in the north aisle.

[1] There is a roughly tooled hole just below the right elbow, probably the socket of a support.

[2] Passy, *Centenaire* (1804–1904) *Recueil de Mémoires de la Soc. Nat. Antiq. France*, p. 379, fig. 1.

[3] This seems to be indicated by a circular dowel hole on the side of the right upper arm, apparently for fixing the epaulette; it is to be assumed that the surviving parts, being highly finished, were not concealed by drapery.

[4] Bernouilli, *Römische Ikonographie*, ii, 3, p. 221, Taf. lii *a*, *b*, Münztaf. viii, 15: cf. Gnecchi, *Medaglioni Romani*, Pl. 28, No. 12.

[5] For a military statue with bare feet, cf. the Augustus of Prima Porta.

[6] In the excavations of 1819.

In the end wall at the north-west is a circular stair which led to the roof of the aisle; the first fifty steps are still in good condition, after which the wall is broken away. The stair is built in a similar manner to those in the Baths of Diocletian (A.D. 306), and is lighted with small splayed windows. The brickwork

FIG. 11. THE NORTH-WEST BAY.

Note the double lines of clamp holes and remains of the cement and marble ground to which the marble veneer was attached.

here is superior to that in other parts of the Basilica, as often upon smaller curved surfaces.

In the archway to the west of the middle bay are two pieces of concrete bedding with slots which suggest that they originally supported a marble or bronze screen or balustrade.

Above the spring of the barrel vaults the absence of cramp holes shows that stucco was used in place of the marble veneer. The barrel vaults are lightened and ornamented with octagonal coffers, each 8′ 0″ in diameter, and small square coffers. The sides of the coffers are enriched with stucco mouldings which were probably painted and gilded. In the middle of each coffer there was a gilded rosette in stucco or bronze.

The North Apse. (Pl. XII.)

At the sides of the north apse it can be clearly seen how the windows of the original Maxentian building were cut away when the Constantinian apse was added (Fig. 12).

An architectural screen formed by two columns and two pilasters supporting an entablature ran across the front of the apse. Two breaks in the white marble threshold show the position of the columns,[1] and a pilaster capital and base lie at the side of the apse. A narrow slot in the side of this base and another in the threshold show that a bronze screen separated the tribunal from the hall.

Some large blocks of the marble entablature stand in the west and east bays. They have architrave mouldings carved on both sides, but these mouldings are only enriched on the side towards the nave. A slab of the frieze, decorated with a boldly carved Cupid in a garland, has been attached to the wall to the west of the apse.

Around the apse, which is less than a semicircle, ran a platform on which the judges' chairs must have been placed. In the centre was a pedestal which probably supported a statue in the large niche.[2]

The wall of the apse is ornamented with two rows of flat-headed niches for statues, four on each side of the central niche in each row. Between the lower niches were small cipollino

[1] Franklin and Hafner, *A. I. A. Journal*, 1924, pp. 322–323, suggest that the cipollino shafts at the S.E. are the remains of these columns.

[2] Franklin and Hafner, *op. cit.*, p. 324, point out that there is no room for a stair, which would be necessary if the judgement seat were placed on this pedestal.

Ionic columns on brackets, supporting the entablature which now lies on the platform below them.

Most of the brackets are in their original positions; they are of poor design and badly carved. The square sockets high up on either side of the central niche probably contained brackets supporting either a canopy over the statue or small figures of gilded bronze.

Very little trace of the floor pattern in the apse remains, but the marks in the concrete bedding show that the centre of the design was a circle in a square, surrounded by rectangles and smaller squares.

Above the second row of niches are the remains of five more openings; the middle one is wider than the rest and flat-headed; the others have semi-circular heads and nearly reach the bottom of the coffering.

Most writers on the Basilica have assumed these openings to be windows, but there are two serious objections to this, which they have chosen to ignore. Firstly, the brick backing of the second opening from the left appears to be original Constantinian work, and not an infilling of a later date. Secondly, the tops of these semicircular headed openings reach to within two inches of the bottom of the coffering, leaving no room for any band, string-course or cornice to mark the junction of the vaulting and the wall. It is impossible to believe that an arrangement so unsound constructionally and æsthetically was adopted for lighting or ornamenting the apse, when it is obvious that flat-headed windows or niches would have satisfied the requirements in every way.

It seems, therefore, most unlikely that these openings were ever part of any scheme to which the existing coffering belonged, and the following is suggested as a possible explanation of the actual state at this point: that the original scheme for the decoration of the apse included three rows of niches,[1] and that when these had been built it was found that the vaulting of the apse was too high to fit, either outside, at the junction of the top of the apse with the roof, or inside, in connection with the barrel vault. This scheme was therefore abandoned and it was decided to fill up the top row of niches and run the frieze and cornice of the architectural screen right round the wall of the apse at that level. It can be seen from the drawings that this cornice fits admirably into

Fig. 12. The North Apse.

Showing Constantinian brickwork built against the reveal of the Maxentian window.

[1] These niches may have been built to contain some carefully graded system of family tree, which Constantine liked to trace back to the Gens Flavia through Claudius Gothicus and the Gordians.

the space between the second row of niches and the springing-line of the vaulting. The theory is supported by the fact that the two upper niches on the right side of the apse still contain the rough concrete filling (Fig. 13). This filling has not been satisfactorily accounted for in any other way. It is not difficult to believe that a filling of this nature, roughly made and not bonded to the brickwork, was

Fig. 13. The North Apse.

Showing the round-headed niche below the hexagonal coffers to be filled with concrete.

shaken out of the central and left-hand niches during the earthquake which destroyed the vaulting above it.

The Narthex. (Pls. VII, XIII.)

On entering the narthex from the street through the central doorway one had to descend three steps, as the street level at this point is two feet above the pavement of the Basilica. The floor pattern of the narthex is shown on an actual state plan made in 1830 by L. Vaudoyer of the French Academy.[1] It consisted of two rows of squares enclosing circles, with nineteen squares to the row.

The interior of the narthex probably had a marble veneer up to the springing of the groined vaulting which covered it. The vaulting was ornamented with oblong panels in stucco enclosing garlands, some of which still remain at the north end.

The east wall of the narthex was originally built with five windows and two doorways, but the second window from the north appears to have been blocked up shortly after construction, as the brick infilling is of exactly the same type as the surrounding brickwork.

It may be suggested that the original intention was to pull down the adjacent part of the Golden House, and that when this intention was abandoned it was impossible to keep the window open to its full width. Between this window and the end one it can be seen that the wall of the narthex has been built round and over a large mass of the peperino concrete of the Golden House; Maxentian pozzolana concrete has been applied to the rough face of the Neronian concrete in order to give a flat surface for the marble veneer.

The northernmost window is not on the axis of the north aisle. It is the same width as the other windows and the brickwork of the opening below it is Maxentian, showing that there was no doorway here to balance the one on the axis of the south aisle. All but the upper quarter of this window is now blocked with brick-and-block work, which is, however, of considerably worse quality than that used in the narthex apse, and is therefore presumably of later date. The upper quarter is filled with

[1] D'Espouy, *Mon. Ant.* ii, Pl. 90.

comparatively modern work, but it is impossible to say whether this replaced ancient filling or not. Since this window is not planned in relation to the interior of the Basilica it must have some connection with the Golden House. On these lines Huelsen, using evidence from the Ligorio-Destailleur plans, has composed a conjectural plan [1] showing this window placed on the axis of a long court in the Golden House, and, while details are lacking, some such arrangement is no doubt approximately correct.

Below the window a segmental-arched opening 5′ 0″ wide and 2′ 6″ high passes right through the wall. Its far end is blocked with rough concrete of uncertain date. Closely analogous to this opening is a chute on the south side of the west apse, and this was clearly intended for use while the Basilica was in the earliest stages of construction, because as soon as the foundation for the south-east column of the nave was built, the chute would have been blocked. This fact sheds some light on its purpose; it must have been built for the shovelling away of rubbish, doubtless from the Horrea Piperataria which were demolished to the level of the Basilica floor in this part of the building. If this was the purpose of one chute, a similar explanation will hold for the other, since at the north-east of the Basilica there was part of the Golden House to be demolished, as is proved by the incorporation of Neronian concrete in the east wall of the narthex.

Stair at the North-east. (Pl. I.)

In the east pier of the north-east bay a circular stair led from the roof of the narthex to the roof of the aisle. There was no stair leading from the ground to the roof of the narthex (see next page), but it is probable that this roof was accessible from the Golden House. The door from the roof of the narthex is now closed, but when scaffolding is available, the stair can be reached through a hole in one of the coffers of the north-east barrel vault. This stair is now the only means of access to the roof of the aisle.

The Rooms north of the Narthex. (Pl. I.)

The low walls and the apse in the small room at the north end of the narthex are clearly both afterthoughts, but it seems probable that the work is part of the completed building. In the north pier between the narthex and the north-east bay a staircase leading to the roof of the narthex was originally planned. This, however, was only built up to the level of the fifth step, when the plan was abandoned and it was decided to make an entrance at this point to the long and narrow space [2] between the Basilica and the Golden House. It is quite certain that this change in plan came while the building of the stair was in progress and was not a reconstruction after the whole staircase was built, because the brickwork of the new construction is exactly the same as that of the small piece of staircase which was built.

The new feature was a semi-circular niche 13′ 6″ in diameter with an apsidal vault, 29′ 0″ high, facing the Golden House. Originally the front of this niche was open, but this arrangement did not last long, for it was closed with a wall built in exactly the same style as the narthex apse and pierced by an archway 15′ 0″ high. Long afterwards, this door in turn was blocked by masonry of which the style is certainly not classical.

The purpose of this entrance from the back

[1] *Röm. Mittheil.*, vii, 1892, p. 291.

[2] A small part of the wall on the N. side of this space still exists behind the apse of the narthex, but not enough has been excavated to reveal the niches shown on the Ligorio-Destailleur plans (Fig. 14). I was able to reach this wall through a small hole in the apse wall. Neither this nor the cross wall at right angles to it are shown on recent actual state plans.

of the Basilica is obscure and full knowledge thereof will only come by excavation. Meanwhile the following suggestion may be put forward. A collegiate inscription[1] to Insteius Tertullus, City Prefect in 307,[2] shows that in Nero's Palace lay the offices either of Tertullus or of the City Prefecture. The latter is more likely, since the Palace was Imperial property: but in either case we are dealing with the quarters of an eminent official whose duties were much concerned with the new Basilica. It is not impossible, then, that this entrance was designed for the City Prefect's own use. For it connected the Basilica with this group of buildings and gave access to a small screened room in the narthex, well adapted for robing, for the assembling of processions, or for any of those acts which marked the transition from private to public life.

The Windows in the North-east Bay. (Pls. II, VIII, X.)

The windows in the north-east bay present a special problem. The three upper lights are filled to slightly less than half their height with three small niches apiece, first shown on the early sixteenth-century plan by Coner (Fig. 10).[3] The niches are poorly built of dark red tiles with that strong admixture of yellow tiles which distinguishes the Constantinian apse. They should therefore be of the same date. The tops have now disappeared, but their proportions suggest that they cannot have been much higher, while a mark in the reveals shows that a window once occupied the space above them. Their purpose is not certain, but, since their construction is presumably connected with the closing of the bays below them, this question is better postponed until these bays have been described.

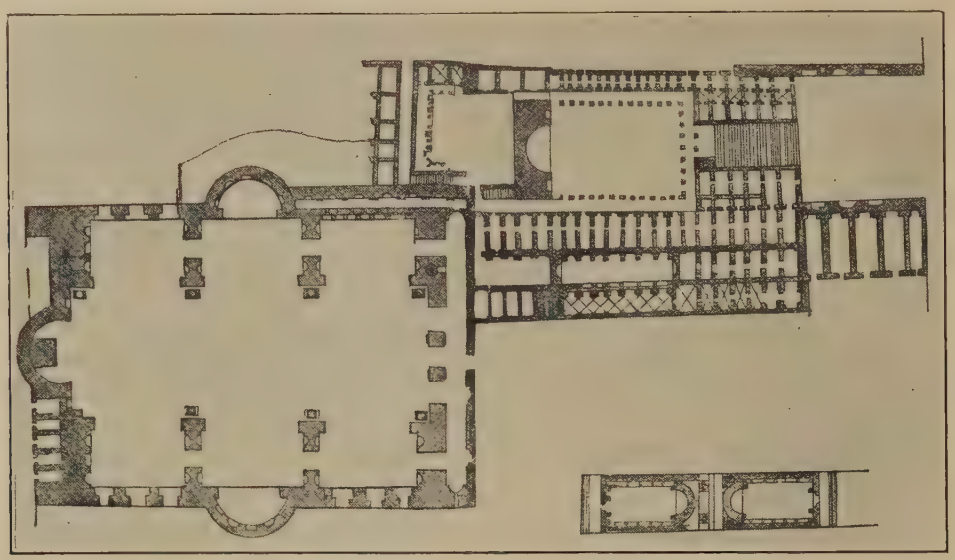


Fig. 14. The Basilica and the Golden House.

A sixteenth-century plan, probably by Pirro Ligorio, showing the long wall with niches behind the north-east wall of the Basilica.

[1] *C.I.L.* vi, 1696. [2] Mommsen, *Chronog. 354*, p. 628. [3] Ashby, *P.B.S.R.*, ii, Pl. 16.

Unfortunately, the filling now to be seen in the lower windows is obviously of Papal date, but there was a still earlier filling, shown in ruined state on an engraving by Giovannoli Aló, published in 1615. The Papal filling, with its three buttresses, is no doubt connected with making the Garden of the Mendicanti on top of the Golden House, when this wall had to support a quantity of earth. This, as the door in the back of the Basilica proves, was not the purpose of the more ancient filling, which, indeed, is hardly to be ascertained. It seems highly probable that this departure from the original design was governed by the preservation of the Golden House, for the first intention to make the Basilica free-standing was not carried out.

The fact that there are marks of windows above the upper niches then suggests that the roof of the Golden House came to the level of the top of the niches, necessitating the blocking of the lower half of each upper window. Probably a small horizontal cornice moulding crowned the niches, which may have contained standing marble figures.

PART IV.

Design and Construction.

There was a very great difference in scale between the Basilica and the surrounding buildings. The exterior of the building was severe by comparison with the interior, as was the usual Roman practice; but the severity of the façade overlooking the Sacra Via was relieved by the varied tracery of the windows, by the terrace and portico, and possibly by groups of sculpture.

It is interesting to note the use of the triple arch motif throughout the building. Vaults, windows, doors, archways and niches are used in groups of three to give unity and scale.

Further, it may be shown that all the main dimensions of the Basilica were determined by the remains of earlier buildings already on the site (Plate I). By planning the building in this way the architect was able to incorporate in the west wall the arcades of Nero's market-hall and to build the south wall upon the foundation of the Neronian portico, thus effecting a considerable saving in labour and material and reducing demolition work to a minimum (see Appendix).

Walls.

The method of building the walls of the Basilica was as follows. The master masons constructed an encasement made of roughly triangular tile fragments and mortar; the space between was then filled in by the common labourers with a hard and durable concrete made of lime, pozzolana, broken tile, and much freshly-quarried light-yellow tufa. Every 25 courses (about five feet vertically) a course of bonding tiles two feet square (*bipedales*) tied in the two faces of the wall, and afforded a suitable flat surface for the putlocks of the scaffolding.

The tiles used are mostly red, but a fair number are orange and yellow. Those of the north apse which Constantine added are much darker red. The horizontal mortar joints are often wider than the bricks themselves. The mortar is white lime with irregular scraps of red pozzolana. The brick walls were covered with a ground of cement and broken marble 4″ thick, to which the marble veneer (*opus sectile*) was attached with metal cramps. Above the spring of the barrel vaults in the aisles and above the main cornice in the nave, stucco (*opus albarium*) was substituted for the marble veneer.

The Barrel Vaults.

The barrel vaults of the side bays were constructed on a timber shuttering, the marks of

FIG. 15. SYSTEM OF CONSTRUCTION.
[From Choisy, *L'Art de Bâtir chez les Romains.*]

which can still be seen on the concrete. The centering of the arches which mark the end of each bay was carried by the off-sets, later built up, formed at the springing of the arch (Fig. 15). These arches had four rings of broken tiles, evenly laid and bound together by three *bipedales* at every tenth tile; the space between each ring being filled with *caementa*, to the face of which have been applied flat tile-fragments, sometimes lapped and sometimes flat. The two-foot vaulting ribs (Fig. 16), eight feet apart, were built directly on top of the shuttering used to

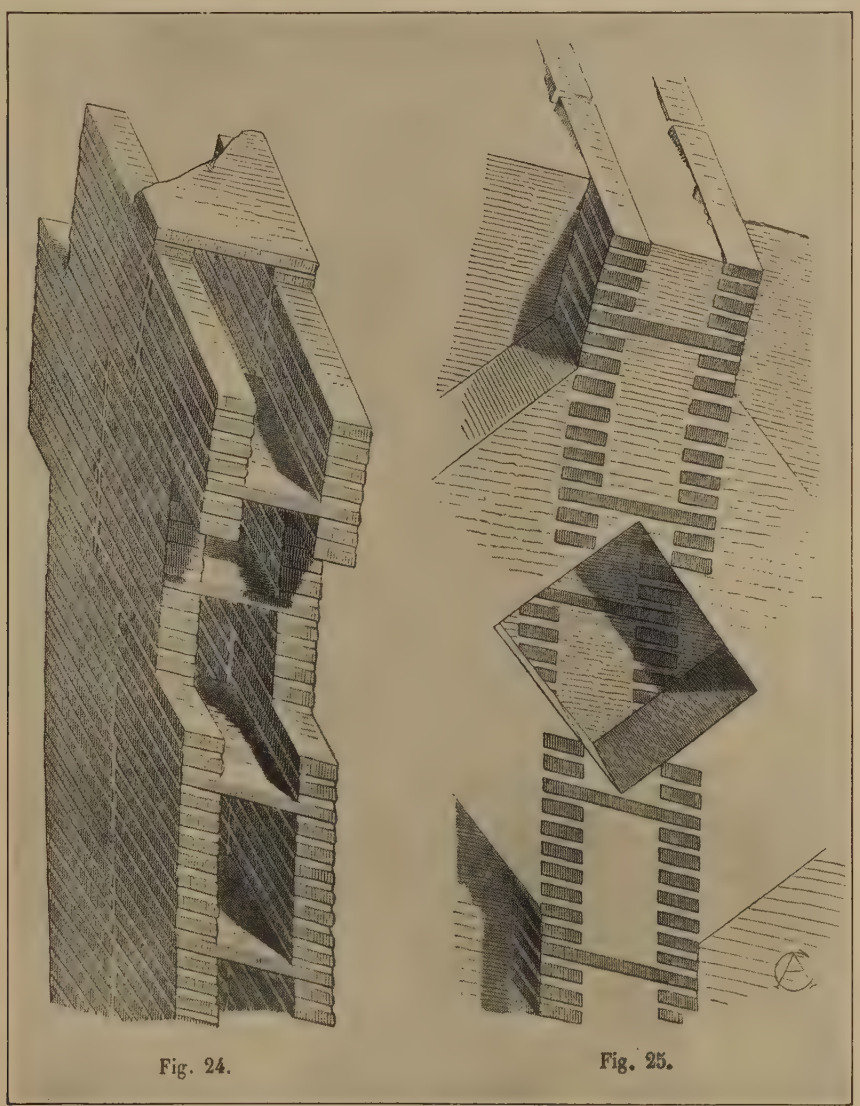


Fig. 24. Fig. 25.

FIG. 16. THE RIBS OF THE BARREL VAULTS.
Showing how the double ring of bricks was stepped in order to take the small square coffers.
[From Choisy, *L'Art de Bâtir chez les Romains.*]

form the vault of the whole bay. They consisted of two rings of broken tiles, connected by *bipedales* as in the arches, and it is probable that they were allowed to set before the infilling was poured, thus controlling better the strains and tendency to movement in the concrete as it dried. Thus the pouring would not be done until the ribs had set and the octagonal coffer moulds had been placed between them on top of the shuttering. When the concrete had set, the vault became a solid mass devoid of lateral thrust.

The Nave Vaulting.

The ribs of the groined vaulting in the nave were also constructed upon timber centering. A double row of bricks on edge were laid in stiff mortar on the centering with bonding tiles every two feet. The spaces between the bonders were then filled with concrete. When the ribs had set they were used to support the moulds and centering for the coffers and smaller ribs of the spaces between.

The Semi-Domes of the Apses were built with ladder-ribs tied together at intervals of three to four feet, the spaces between being filled with concrete.

The Window Arches were built in the same way as the ribs of the nave vault with a triple line of voussoirs tied together by *bipedales* every two feet or so.

In conclusion, the author wishes to thank Dr. A. Bartoli, Director of Excavations at the Forum and Palatine, for permission to study the monument, and to acknowledge the invaluable help received from Mr. Ian A. Richmond at all stages of the work.

PART V.

List of Drawings and Plates used in connexion with the Restoration of the Basilica.

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APPENDIX. (Pl. I.)

The Archaeology of the Site.

The first phase of the site's history clear to us is represented by the buildings flanking the Augustan Sacra Via, which here, at its upper end, runs north-west and south-east, only changing sharply to the orientation of the Sullan Forum opposite the westernmost piers of the Basilica Nova.[1] These buildings [2] had walls faced with broken tiles, travertine thresholds and *opus spicatum* pavements, and were mostly offices or shops that closed for the night. At their north-west end they received an additional *porticus*, with square piers of travertine, two now remaining; and it is clear, from remains of walls in reticulate facing, that they were themselves the early Imperial successors of earlier Augustan buildings on the same line.

These remains lay deeply buried beneath the Neronian Sacra Via, which has been described in detail [3] by Dr. E. B. Van Deman, to whom we owe the recovery of the plan and aspect of the buildings which bordered it, two great two-story *porticus*, or pillared market-halls, one on each side of the 100-foot street. Only the northern *porticus* need concern us here. The foundation of its outer wall still carries the southern wall of the Basilica: the rear wall of the front colonnade may still be seen, poking out below the late *Via ad Carinas*; and travertine piers in the floor of the Basilica's south nave demonstrate that the roofs of the colonnade derived their rearward support from the small square piers of the hall proper, and not from a second row of piers of larger size. Further, the hall extended back at least as far as the northernmost piers visible in the excavation for the *Horrea Piperataria* under the west bay of the Basilica's nave, since the intervals of these correspond exactly to the Neronian interval measurement. It is hardly to be thought, however, that the hall continued much further north, since Neronian concrete, belonging to a large building planned on different lines, already obtrudes, covered by Maxentian cement, in the outer wall of the apsidal room in the Narthex.

The Neronian Hall was extensively repaired by Domitian, who built there the *Horrea Piperataria*.[4] Part of this building may be recognised below the nave of the Basilica, where remains show a group of rooms arranged round an open court provided with central water-tank. The walls of the court are not based on the Neronian setting-out, and clearly represent a complete remodelling, by Domitian, of this part of the site, just as someone built a rather similar court in the corresponding bay of the

[1] Van Deman, *A.J.A.*, xxvii (1923), pl. iii.

[2] *Op. cit.*, p. 400; also *A.J.A.*, xvi (1912), pp. 391 sqq.; Huelsen, *Röm. Mittheil.*, xvii, p. 95, Taf. i.; *Bull. Com.* 1900, pp. 8–13, Tav. i–ii. Ashby, *Class. Rev.* xix (1905), p. 76, notes the discovery of a mosaic pavement below the level of these buildings, which can be dated to the first century B.C. For the type, see Blake, *Memoirs Amer. Acad. Rome*, viii, p. 52. Nothing else is known of the building.

[3] Van Deman, *A.J.A.* xxvii (1923), pp. 383–424; also *Memoirs Amer. Acad. Rome*, v, 115–126.

[4] Mommsen, *Chronograph 354*, p. 646, l. 31. There seems no reason to take *Horrea Piperataria* with *Horrea Vespasiani*.

Porticus Margaritaria,[1] across the street. But Domitian's work did not remain unaltered, for the court-yard received new piers and door-jambs, with new water-tanks built against them, while the west wall of the Basilica is founded upon a second-century arcade which extends nearly as far as the tunnel, as if by that time the *horrea* had much more nearly covered the area later to be occupied by the Basilica itself. It is to be noted, however, that these buildings had evidently become divided up into groups with open courts, no doubt in order to gain light and to save the expense of roofing so large an area, to which Nero had committed himself. This arrangement was also favoured by the original division of the building into three bays, with floors at different levels, which stepped up alongside the Sacra Via as the latter climbed the Velia, though the front portico rose with a steady slope.[2] These different levels were preserved by Domitian, and two can be seen clearly enough in the excavation for the *Horrea Piperataria*, while fragments of the *opus spicatum* floor of the third, or easternmost, level are to be seen in the easternmost bay of the Basilica's nave.

Thus, economically, these buildings had always been dedicated to commerce. Under Augustus there had been shops, which his successors had rebuilt and had decorated with a west *porticus* of travertine. Nero had substituted for the shops his great *porticus*, or bazaar; and in the shell of Nero's building had been built, and later restored, the Domitianic *horrea*, of which the Maxentian architect wished to restore the remains, gutted by the fire of Carinus.[3] The purpose of the Basilica now to be erected on the site was not entirely commercial, but its form was influenced more profoundly by that of the previous buildings on the site than has been realised. In planning his building, the architect took for his main façade the front of Nero's *porticus*, thus coming into line with those portions of it which still existed, on the site of the porch of SS. Cosmas and Damian, further down the street.[4] For the western limit he chose the longest north-to-south arcade, and embodied it as part of the mass of the great platform upon which this end of the level-floored Basilica was put. Nor did the internal disposition of the new building from east to west cease to reflect the arrangement of the site in three stepped levels, which Domitian had inherited from Nero. The presence of these differing levels powerfully affected the disposition of the foundations for the Basilica's main piers, since it was impossible to place their crushing weight anywhere near the outer edge of the stepped surfaces. Accordingly, it was at the bottom of each step that the architect of the Basilica built his large new plinths of concrete, with tiled horizontal surfaces, and carried thereon safely his great columns for the nave. Nero's three divisions were thus perpetuated, but translated into the very different form expressed by the vaulted bays which covered each division in a mighty span. But once these arrangements were made, in logical harmony with previous conditions, it was possible to lay the Basilica floor upon rammed earth, covered only by the thin concrete in which the pavement was set, thus effecting, as always in great Roman buildings, the maximum economy in foundations.

The disposition from north to south is not influenced by the presence of former buildings, except in fixing the site of the south wall. Apart from that, it was desired to give to the new Basilica the maximum expansion that

[1] *Porticus Margaritaria*, *Memoirs Amer. Acad. Rome*, v, pl. 61.

[2] *Op. cit.*, pls. 63, 64.

[3] For the havoc of the fire of Carinus in this region, see Whitehead, *A.J.A.*, xxxi, p. 17; but another possible source of disaster is the fire of the Temple of Venus and Rome, *Chron. 354*, p. 648, l. 33.

[4] Whitehead, *A.J.A.*, xxxi, pl. ii. p. 12.

symmetry permitted, by running its north-west angle right up against the fire-wall of the Forum of Peace. The space thus defined was then actually trisected, as does not quite appear in the ground-plan, the central third being occupied by the span of the nave's vault, while the lateral thirds go to its supports, namely, the columns which carried the main ribs, and the walls of the lateral bays which act as buttresses to these ribs. But this arrangement too has more to do with commercial buildings than has been thought, despite the general agreement that its form has little to do with the old-fashioned Basilica, where the stresses are directly vertical and are taken accordingly, and much more in common with the central halls of *Thermae*, whence it is usually assumed to be derived. For recent discoveries[1] have enabled an alternative derivation to be put forward, which seems better than that from thermal halls, for these are usually of different proportions and are surrounded by additional buildings which transmit the stresses over a great distance in proportion to the size of the hall. A more attractive possibility is that the Basilica is derived from the earlier vaulted market-halls, of which recent demolitions have furnished so fine an example behind the Forum of Trajan, though Dr. Boethius[2] has demonstrated that they go back to Sullan days. Here the scale is smaller, but the proportions in plan and the distribution of stresses are practically identical, a feature which has never been true of the thermal analogy. There is a central nave, formed by a series of intersecting barrel vaults; and opposed to these, receiving on each side the lateral stresses, lie two equal series of superimposed barrel-vaulted shops. These form the ideal type of buttress, for the lower shop is in direct contact with the main piers, while the upper one is separated by a series of segmental arches, crossing a corridor, which almost may be called flying-buttresses. Thus it seems that, while the Thermal Hall has indeed affinities with the Basilica, the common archetype of both is the vaulted market-hall, or *atrium*, whose history is already respectably old in Trajan's day. It was the younger alternative type to the *porticus*, and the architect of the Basilica, in adopting it for his new building on the site of Nero's *porticus* in the old style, evinced a fine sense of modernity, while developing the alternative tradition already to his hand.

[1] For this market-hall, see Ricci, *Il mercato di Traiano*, Rome, 1929, pls. 11, 12; *Arch. Anzeiger*, 1929, p. 94, abb. 12; *Roma*, 1930, p. 513.

[2] Boethius, in the forthcoming *Acta Archaeologica*, iii (1932).

TWO GROUPS OF DOCUMENTS, RELATING TO JOHN BALIOL, FROM THE VATICAN ARCHIVES.

By A. I. CAMERON, M.A., Ph.D.

The two sets of documents described below were brought to the writer's notice by a lucky chance. Monsignor Angelo Mercati, examining the catalogue of manuscripts, from the Secret Archives of the Holy See, known as *Miscellaneous Instruments*, noted a document concerning John Baliol, and placed it before the only representative of the Scottish nation working among the Archives at that time. Later, he discovered a second group in the set of documents which formed the old Archives of Castel Sant' Angelo. Taken together, the two sources shed some welcome light upon Scottish history, and we are greatly indebted to Monsignor Mercati for bringing them to our notice, and generously permitting their publication.

Document I (Misc. Instr. 271).

This is a parchment, written in an English hand of the late thirteenth century, and embellished with miniatures and decorated capitals.[1] It is an annotated genealogy of the Royal House of Scotland, from David I to John Baliol, with an account of the recognition of Edward as overlord, and Baliol's subsequent letter of grievances. The text reads as follows, and we have arranged the genealogy itself in a form suitable for a printed page. Plate XIV shows its actual appearance.

Anno domini Millesimo cc° Nonagesimo secundo Cvm uarie dissensiones et controversie per decessum domini Alexandri quondam Regis Scocie Junioris militis Inter Dominos florencium comitem de Hoyland. Robertum de Brus. Johannen de Baliolo. Johannem de hastinges. Johannem comin dominum de Badenauh. Patricium de drumbar: Johannem de Vescy loco domini Nicholai de soules positum. et Willelmum de Ros fuissent exorite: super eo quis eorum Regno scocie iure hereditario pregauderet. Tandem ijdem predicti consilio communi et assensu eorumdem arbitrio domini Eadwardi illustrissimi Regis Anglie tanquam dicti Regni scocie Domini capitalis se submiserunt. Concedentes et litteris suis confermantes rem ratam haberi et firmam quicquid Idem Rex Dominus Eadwardus firmam quicquid Idem Rex Dominus Eadwardus faceret: adiudicaret ue in premissis.

Anno Regni illustrissimi Regis Eadwardi vicessimo. Idem Rex parliamentum tenuit apud Norham conuocatis ad hoc cum clero de Anglia conuocandis mox instituit et ius Regni predicti disputauit et Idem per lineam consanguinitatis in forma subscripta distinxit.

[Here follows the genealogical tree.]

Idem Dominus Johannes de Baliolo qui supra pro predicto Regno Scocie Illustrissimo

[1] It is described in the catalogue as *Exemplar litteris maioribus figurisque genealogicis exornatum.* The colouring is in blue and red. The miniatures are painted against a blue background, bordered by circles of red, blue and red, with a margin of uncoloured parchment between them. Ruling: with a fine point. The upper part of the parchment is eaten away in a few holes, but without damage to the text. It measures about $23\frac{1}{2} \times 34\frac{1}{2}$ inches. An account of the document, with a facsimile, was published in the *Glasgow Herald*, February 18 and 21, and in the *Morning Post*, March 18, 1930.

Domini Eadwardo regi Anglie ut domino capitali homagium fecit. Quod Regnum propter contumacias diuersas et Guerram inceptam contra dictum dominum Eadwardum ante Nativitatem Sancti Johannis Baptisti. Anno domini m° cc° Nonagesimo sexto: amisit. et homagium suum Domino Regi Anglie in forma subscripta reddidit.[1]

Magnifico principi Domino Eadwardo dei gratia Regi Anglie. Johannes eadem gratia Scocie Rex. Cum vos et alii de Regno uestro uobis non ignorantibus uel causam ignorancie non habentibus per uiolentam potenciam vestram nobis et regni nostri incolis graues intollerabiles iniurias contemptus et Grauamina necnon et dampna enormia contra nos et Regni nostri libertates et contra deum et iusticiam notorie et frequenter intuleritis, nos extra Regnum nostrum ad leuem cuiusque suggestionem prolibito voluntatis uestre citando et indebite uexando castra nostra terras et possessiones nostras et nostrorum infra Regnum nostrum iniuste et sine nostris demeritis occupando bona nostra et subditorum nostrorum tam per terram quam per mare rapiendo et infra regnum uestrum receptando, mercatores et alios regni nostri incolas occidendo. hominesque nostros de Regno nostro uiolenter in Regnum uestrum abducendo. ipsosque ibidem detinendo et incarcerando. Super quibus reformandis nuncios nostros uobis sepe transmisimus. queque non solum remanent ad huc incorrecta Verum in de [*sic*] die in diem per uos et vestros prioribus deteriora accumulantur. Vos namque iam cum in numerabili armatorum multitudine exercitu uestro puplice conuocato ad exheredandos nos et regni nostri incolas ad fines regni nostri accessistis hostiliter. et ultra progrediens in regno nostro strages et incendia necnon insultus et inuasiones uiolentes tam per terram quam per mare commisistis inhumane. Nos dictas iniurias contemptus grauamina et dampna. necnon et hostiles inpugnaciones. ulterius sustinere non ualentes nec in fidelitate et homagio uestro licet per uiolentam inpressionem uestram extortis manendo. Contra uos ad defensionem nostram et Regni nostri cuius defensioni et tuicioni uincolo iuramenti sumus astricti. nos uolentes erigere. fidelitatem et homagium uobis factam tam a nobis quam ab aliis quibuscumque regni nostri incolis fidelibus nostris. ratione terrarum quas in Regno uestro de uobis tenebant. ac in ratione mennagij seu retencionis uestre nomine nostro ac nomine eorumdem omnium et singulorum uobis reddimus per presentes.

The translation runs as follows:—

Anno Domini 1292.

Since various dissensions and controversies had broken out by the decease of Lord Alexander, late King of Scotland, Junior Knight, between Lords Florence Earl of Hoyland, Robert de Brus, John de Baliol, John de Hastinges, John Comin Lord of Badenauh, Patrick de Drumbar, John de Vescy, proxy for the Lord Nicholas de Soules, and William de Ros, anent the question as to which of them should enjoy the Kingdom of Scotland by hereditary right, at length the abovesaid lords submitted themselves by common counsel and assent to the arbitration of Lord Eadward,[2] most illustrious King of England, as to the overlord of the said Kingdom of Scotland, granting and confirming by their letters that they would hold firm and stable whatsoever the said King Lord Eadward should do or adjudicate in the premises.

In the twentieth year of the most illustrious King Eadward the said King held a parliament at Norham; and having summoned

[1] The letter which follows has been printed in Rymer's *Foedera*: tom. II., p. 707 (second edition, 1727).

[2] The old form of the name, here used, is noteworthy. One wonders if it might afford a clue to the provenance of the manuscript.

thereto all who ought to be summoned, as well as the clergy of England, presently he instituted and discussed the law of the foresaid realm and set forth the same by line of consanguinity in the underwritten form.

[Here follows the genealogy.]

The said Lord John de Baliol, as above, did homage for the foresaid Kingdom of Scotland to the most illustrious Lord Eadward King of England as overlord. Which Kingdom he lost before the Nativity of St. John the Baptist, 1296, on account of divers contumacies and war begun against the said Lord Eadward; and he renounced his homage to the said King of England in the underwritten form.

To the magnificent prince Lord Eadward, by the grace of God, King of England, John by the same grace King of Scotland. Since you and others of your realm, you not being ignorant nor having cause of ignorance, by your violent power, notoriously and frequently, have inflicted upon us and the inhabitants of our realm grave and intolerable inquiries, indignities and grievances, also enormous damage against us and the liberties of our realm, and against God and justice, citing us outwith our Kingdom at the frivolous suggestion of whomsoever, at your caprice, and unduly troubling us, occupying our castles and the lands and possessions of us and our people unwarrantably and without demerit on our part, seizing the goods of us and our subjects as well by land as by sea and receiving them within your Kingdom, and killing merchants and other inhabitants of our Kingdom and violently abducting our men from our Kingdom into yours, and detaining and imprisoning them therein. For the redress of these grievances we have often sent our envoys to you, but they not only remain until this present uncorrected, but from day to day things accumulate worse than the first, done by you and yours. For now, having convoked your army publicly and with an innumerable multitude of armed men to disinherit us and the inhabitants of our realm, you have approached our borders with hostile intent, and penetrating further into our Kingdom, have inhumanly committed slaughters, arsons, indignities and violent invasions as well by land as by sea. We, not being able longer to endure the said injuries, indignities, grievances, and losses and hostile attacks, nor to remain longer in your fealty and homage, although extorted by your violent oppression, and wishing to strengthen (oppose) ourselves against you for the defence of ourselves and our realm, to whose defence and protection we are bound by oath; we by these presents renounce to you the fealty and homage made as well by whatsoever inhabitants of our Kingdom, our lieges, by reason of lands which they held of you in your realm,[1] as also by reason of being attached to your personal service;[2] and this we do in our own name and in theirs, all and sundry.

A brief commentary may be made. The matter in question is the well-known dispute over the succession to the Scottish throne, rendered vacant by the failure of the ancient Line of Kings through the successive deaths of Alexander III and his grand-daughter Margaret, the Maid of Norway: and the numerous competitors who advanced a claim, sound or frivolous, were not deterred in the quest of their ambition by any wish to preserve intact the ancient sovereignty of the realm. They would rather reign as vassal-kings than wear no crown at all. Accordingly, in the words of our document, they finally 'submitted themselves by common

[1] Rymer (*Foedera*) gives *nostro*: lands held of you in our realm.

[2] *I.e.* being members of household and in your retinue. (*Menagium*: see Blount's *Law Dictionary*.)

counsel and assent to the arbitration of Lord Eadward, the most illustrious King of England, as to the overlord of the said Kingdom of Scotland, granting and confirming by their letters that they would hold firm and stable whatsoever the said King Lord Eadward should do or adjudicate in the premises.' The 'Great Cause' was not rapidly decided. Only in November 1292 was the award made to John Baliol,[1] who according to modern theory of primogeniture had undoubtedly the best claim to 'enjoy the Kingdom of Scotland by hereditary right.' We read that he 'did homage' in fulfilment of his pledged word, and thus began his brief and inglorious reign as the *Toom Tabard* King of Scots.[2] Much history is thus compressed into the bald statement of our document, that he had lost his Kingdom 'before the Nativity of St. John the Baptist, 1296, on account of divers contumacies and war begun against the said Lord Eadward.'

The cause of the war was plain enough. Amid the rivalry aroused by their competitive claims, the Scoto-Norman Lords had neglected the feeling of the Commonalty (*communitas*), and particularly that of the merchant-communities, when they had 'submitted themselves by common counsel and assent' to accept the Crown as a fief of England. Thus, the rehearsal of grievances in Baliol's letter of defiance may indeed be 'a piece of vehement scolding' whose 'conclusion is utterly inconsistent with feudal logic,'[3] but it was based upon a long series of irritations which had truly made the vassalage unendurable. Yet, even so, Baliol's notorious weakness lends colour to Hill Burton's view that the curious document was written under compulsion, moral or physical, of Lords who had a higher courage and stouter arm than their King 'for the defence of ourselves and of our realm.' Defiantly, these nobles retracted their homage. When it came to actual blows, however, they were found wanting in power to resist the 'innumerable number of armed men' that the King of England was on the point of leading, even as they wrote, from the sack of Berwick to punish Scotland, and to 'disinherit' the puppet whom he had placed upon the throne.[4] Early in July, John, King of Scots, made an abject surrender and formally signed a Deed of Abdication into the hands of Edward. Our document says less than this, simply noting that he lost the Kingdom. He was then sent into custody in England, and passed for ever from the active stage of Scottish history. Considerable length of days, however, still lay before him. He lived until 1313; long enough to see the cause of Scottish independence virtually secured under a more resolute leader, Robert Bruce, grandson of his late rival, the competitor who had 'sought the Kingdom and did not obtain it' in 1292.

Document II (A.A. Arm. i–xviii, 417).[5]

Contemporary historians took little interest in Baliol's doings after this time. Their attitude is reflected by the vague statement of Walsingham, 'nuncii vero . . . transtulerunt

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[1] See Sir Archibald Dunbar, *Scottish Kings* (second edition), 116; and authorities there cited.

[2] 'Toom tabard' means an empty heraldic coat; in other words, a coat without a man behind it. One of those expressive phrases common in the Scottish language: cf. 'tulchan bishops.'

[3] Hill Burton, *History of Scotland*, II. 170, *n.*

[4] Baliol's letter was presented to Edward at Berwick, on 5th April, 1296. (*Foedera*, II., p. 707.)

[5] This document belongs to the collection brought to the Vatican from the Archives of Castel Sant' Angelo, which, from the time of Sixtus IV to the French Revolution, was the repository of many records relating to the temporalities of the Church. The first of the series of notarial instruments has been printed, omitting the names of witnesses, in Caesaris Barroni, *Annales Ecclesiastici*, XXIII., p. 249 (edition 1887). It consists of two parts, specified below, endorsed on the parchment as 417 [1] and 417 [2] respectively. The whole measures about 11 × 34 inches. Ruling: double margin on both sides, and lines, with a fine point. An account of this document was published in the *Glasgow Herald* of February 23, 1931.

eundem Iohannem in terram Balioli, quem habuit in regno Francie et ibidem reliquerunt eum sub certorum custodia praelatorum.'[1] But our second record now permits us to supplement the narrative, giving us an unexpected glimpse into his fallen state, when it was a mockery to style him in formal language 'the illustrious Lord John de Baliol, called King of Scotland.' The parchment in question is a set of notarial instruments, giving us in detail information of his movements in the years 1299 and 1300.

'In nomine domini amen. Anno a natiuitate eidem millesimo ducentesimo nonagesimo nono indictione duodecima die decima octaua mensis Iulii pontificatu domini Bonifacii pape viij, anno quinto. In presentia Reuerendi patris, domini R. dei gratia Episcopi Vicentini Apostolice Sedis Nuncii presentibus Uenerabili patre domino Iohanne Episcopo Carcassonense et magnifico uiro domino Iacobo de Castellione domino de Leusa et de Condeto ac domino Petro de Bellapertica canonico Bituricense Nunciis Excellentissimi domini Philippi Regis Francie Illustris necnon in presentia mei Notarii et testium subscriptorum. Constitutus Magnificus vir dominus Iohannes de Baliolo dictus Rex Scocie asserens se liberum et libere assignatum ob reuerentiam Sanctissimi patris domini B. Summi Pontificis ex parte Excellentissimi domini Eduardi Regis Anglie Illustris in manibus potestate et Arbitrio dicti domini Episcopi Vicentini Nuncii memorati recipientis uice et nomine dicti domini pape promisit et convenit simpliciter sponte ac libere dicto domino Episcopo Vicentino Nuncio recipienti et stipulanti uice ac nomine dicti domini pape stare simpliciter et totaliter obedire mandatis ordinationibus et beneplacitis dicti domini pape et dicti domini Episcopi Uicentini uel alterius ab ipso domino pape super hoc mandatum habentis et ire cum dicto domino Episcopo Vicentino uel cum alio uel aliis prout dictus dominus Episcopus Vicentinus ordinabit eidem semel et pluries ac stare et manere in loco seu locis in quo uel quibus dictus dominus Episcopus Vicentinus eum manere et stare duxerit ordinandum et non recedere aliquo modo uel causa ab ipso domino Episcopo Vicentino uel ab alio seu aliis uel a loco seu locis in quo uel quibus positus esset per eum uel sibi mandaretur quod staret sine speciali eiusdem domini Episcopi Vicentini licentia et assensu uel alterius qui super hoc haberet cum uera bulla, dicti domini pape speciale mandatum donec dictus dominus papa de persona ipsius aliter duxerit ordinandum pro quibus omnibus et singulis firmiter obseruandis et adimplendis dictus dominus Iohannes dictus Rex Scocie in manibus dicti domini Episcopi Vicentini recipientis ut dictum est submisit et obligauit sponte et libere personam suam et omnia bona sua iura et actiones presentes et futuras ubicumque sunt uel esse possent specialiter Romane ecclesiae et dicto domino pape ita quod si predicta omnia et singula non fecerit et non obseruauerit plene ut dictum est nomine pene omnia bona sua ubicumque sunt uel erunt deueniant ipso facto in ius et potestatem dicti domini pape et sint Romane ecclesie confiscata et contra personam suam procedatur et procedi possit tamquam contra periurum contumacem et inobedientem Romane ecclesie et dicti domini pape. In super ad maiorem firmitatem omnium premissorum dictus dominus Iohannes dictus Rex Scocie iurauit ad sancta dei euangelia omnia et singula suprascripta ut dictum est facere et inuiolabiliter obseruare. Actum apud Wissant de Regno Francie supra mare in hospicio Iohannis Steuari presentibus dominis E. domino de Berleta, Roberto liuerd magistro guillelmo de Riuo clerico et notario domini

[1] Walsingham, *Historia Anglicana*, I., 78 (Rolls Series).

Regis Francie et dominis lancelmo preposito sancte Tegle Mediolanensis Thoma de Vicopisano canonico Lunense Capellanis dicti domini Episcopi Vicentini et magistro Nerio eiusdem notario et aliis pluribus ad hec testibus uocatis.

'In nomine domini amen. Anno a natiuitate eiusdem Millesimo ducentesimo nonagesimo nono. Indictione xij. die mercurii uigesimo secundo Julii. Pontificatu domini Bonifacii diuina prouidencia pape viij. Anno quinto. In presentia mei notarij et testium subscriptorum ad hoc specialiter rogatorum et uocatorum. Constitutis personaliter coram Reuerendo in christo patre domino Raynaldo dei gratia Episcopo Vicentino apostolice sedis Nuncio super reformanda pace inter Excellentissimos principes dominos . . . francie et . . . Anglie Reges Illustres et hijs que ad eam pertinent Uiris Uenerabilibus et discretis dominis Magistro Waltero dicto le chat laudanense Canonico Officiali. Bono homine de Sublaco Cameracensis et B . . . dicto proposito Corisopicensis ecclesiarum Canonicis Vicariis reuerendi patris domini G. dei gratia Episcopi Cameracensis. Idem dominus R. Episcopus Vicentinus Magnificum uirum dominum Iohannem de Baliolo dictum Regem Scocie datum assignatum et tradditum ac eciam liberatum a potestate predicti domini Regis Anglie in qua erat in manibus supradicti domini Nuncij nomine domini Summi Pontificis ibi presentem tradidit et assignauit nomine et vice ipsius domini Summi Pontificis et pro eo tenendum custodiendum et tute conservandum bona fide sine dolo et fraude in Castro siue domo de Malamansione quam domum ex nunc eciam pro hoc posuit in protectione guardia et defensione sancte matris Romane ecclesie supradictis dominis Officiali et Vicarijs nomine domini Episcopi Cameracensis donec aliud per dominum papam aut ipsum dominum Episcopum Vicentinum uel nuncium alterum domini pape super hoc mandatum habentem de eodem domino Johanne fuerit ordinatum. Rogans exhortans et inducens idem dominus Episcopus Vicentinus Officialem et Vicarios memoratos, mandansque eisdem auctoritate qua fungitur ut ob reverentiam ecclesie Romane et domini Summi Pontificis de eodem domino Johanne talem curam custodiam et conservationem habeant tam per se quam per alios prout eis magis uidebitur expedire quod idem dominus Summus Pontifex de diligentia et solicitudine eos possit non immerito commendare eiusque indignationem non incurere mereantur. Qui Officialis et Vicarii unanimi uoluntate et assensu sponte et libere ob reverentiam ecclesie Romane et domini pape ac Vicentini episcopi predictorum ipsius domini pape nomine predictum dominum Johannem receperunt incontinenti ibi presentem tenendum custodiendum et conservandum per eos seu eorum Nuncios fideliter sine dolo et fraude iuxta assignationem et traditionem huiusmodi ipsius domini Episcopi Vicentini. Actum Cameraci iuxta domum dominorum. . . . Capituli Cameracensis in qua capitulari solent. presentibus Venerabilibus uiris dominis lancelmo preposito Sancte Tegle Egidio Pamersali canonico Sancti Georgii in palatio Mediolanensi domino Stephano de fur lugdunensi legum professore Magistro Galuagnio de medicis phisico Magistris Nerio de Podiobonigi ac Saluino de Pergamo Notarijs Capellanis et Socijs predicti domini Episcopi Vicentinus testibus ad hoc vocatis et rogatis specialiter.

'Anno Indictione et Pontificatu predictis. die vigesimo tercio Julij. In Castro Cambresi in domo domini Episcopi Cameracensis in presentia mei Notarij et testium subscriptorum ad hoc vocatorum et rogatorum. Suprascriptus dominus Iohannes de Baliolo dictus Rex Scocie dixit et asseruit libere et sponte quod si dominus et sanctissimus pater dominus Bonifacius pape viij. non ordinaret de eo et rebus ad eum pertinentibus et Regno Scocie quod successor

seu successores eius quousque ordinatum erit ordinare possint iuxta eorum uel alicuius eorum uoluntatem. In quorum manibus esse uult et se summittit sicut esset in manibus dicti domini Summi Pontificis quousque de eo et predictis fuerit ordinatum. Actum in dicto loco presentibus dominis Gerardo de Clara Canonico Cameracense dominis Iancelmo et Thoma de Vicopisano predictis Capellanis dicti domini Episcopi et Magistro Nerio eiusdem Notario testibus ad hec.

'In nomine domini amen. Anno a natiuitate eiusdem millesimo trecentesimo. Indictione tertia decima die uigesimo octauo Septembris. Pontificatu domini Bonifacii pape viij. Anno sexto. In presentia mei Constantini Notarii et testium infrascriptorum. Reuerendus pater dominus R. dei gratia Episcopus Vicentinus apostolice sedis Nuncius nomine et uice sanctissimi patris domini Bonifacii diuina prouidentia Summi Pontificis assignauit et tradidit Magistro Saluino de Pergamo Notario Ramusino Busolo de Parma et Perrotto dicto de Sabaudia damicelis et familiaribus suis tamquam iuratis sibi et fidelibus dominum Iohannem de Baliolo Regem Scotorum Illustrem custodiendum et seruandum in Castro Jeuriaci in Montana Abbatis Cluniacensis lingonensis diocesis donec eis per dictum Summum Pontificem uel per ipsum dominum Episcopum aliud mandaretur de eo specialiter faciendum mandauit eciam dicto domino Regi presenti ut de dicto Castro loco assignato sibi per eum non exeat quoquomodo sine licentia et societate predictorum suorum familiarum uel maioris partis eorum et si contingetur aliqua uice eum exire de dicta licentia et sociatus ab eis causa spaciandi mandauit quod non exiret dictum castrum ante solis ortum et quod rediret ad dictum Castrum et reintraret ante solis occasum sub pena omnium bonorum suorum et iuramenti prestiti dicto domino Episcopo ac excommunicationis quam incurrat ipso facto contrarium faciendo et sub aliis penis omnibus contentis tam in obligationibus factis per ipsum Regem dicto domino pape et Romane Ecclesie quam in sententia lata per ipsum dominum Episcopum contra dictum Regem et alios et mandatis factis eidem quam et que omnia ibidem idem dominus Episcopus innouauit confirmauit et approbauit ut melius de iure potuit. Actum in dicto Castro Jeuriaci presentibus Uenerabili patre domino fratre Illario Episcopo Insulanense sancte Herine dominis fratre Raynaldo decano dicti loci et fratre. Decano de Verzi ordinis Cluniacensis, ac dominis Martino de Alzate Magistri Galuagnio preposito Sancti donati in strata Mediolanensis diocesis et Nerio de Padiobonigi Notario et aliis pluribus testibus ad hec Uocatis et Rogatis.

'Ego Constantinus dictus de Pozolo clericus Mediolanensis publicus Apostolica et Imperiali auctoritate Notarius ac scriba predicti domini R. Episcopi Uicentini apostolice sedis Nuncii predictis omnibus et singulis una cum testibus supradictis presens interfui et de mandato et Auctoritate dicti domini episcopi ea scripsi et publicaui meoque signo consueto signaui Rogatus.

'Hoc exemplum transumptum est per me Constantinum notarium infrascriptum de prothocolo Magistri Nerii Spronelli de Podiobonigi auctoritate apostolica et Imperiali notarii publici scribae tunc Reuerendi patris domini R. dei gratia Episcopi Uicentini super quibusdam actitatis per ipsum dominum Episcopum tunc apostolice sedis Nuncium ut infra sequitur. In christi nomine amen. Nos Raynaldus dei gratia Episcopus Uicentinus apostolice sedis Nuncius super negotio reformande pacis inter dominos dei gratia Phillipum francie et Eduardum Anglie Reges Illustres requirimus et monemus primo secundo et tercio et peremptorie uos domine Iohannes de Baylluel Rex Scotorum qui presentes estis et omnes alios et singulos tam clericos quam laycos cuiuscumque

ordinis status dignitatis seu conditionis existant presentes et absentes ad quos presens nostra sententia quoscumque peruenitur quatenus cum uos domine Rex sitis assignatus et traditus nobis recipientibus uice et nomine Sanctissimi patris et domini nostri domini Bonifacii Summi Pontificis et pro eo de consensu et uoluntate predictorum Regum et promiseritis obligaueritis et iuraueritis nobis recipientibus et stipulantibus ut dictum est non recedere a nobis nec a loco uel locis in quo uel quibus uos esse seu manere manderemus aliqua ratione uel modo uel a loco seu locis in quo uel quibus uos esse seu stare mandabimus uel ad quem uel quos uos ducere uellemus seu duceremus uel per alium seu alios duci faceremus sine nostra expressa et libera uoluntate ac licencia sub excommunicationis pena et penis aliis in promissione et obligatione per uos nobis ut dictum est factis contentis et sub uirtute prestiti iuramenti non recedatis absque nostra expressa licentia uel alterius super hoc a dicto domino nostro Summo Pontifice speciale mandatum habentis. Et ibitis omni exceptione et occasione remotis et stabitis quoscumque ubicumque et quandocumque uobis semel et pluries mandabimus seu manderemus in futurum et hic uobis expresse mandamus nunc sub penis et iuramento predictis. Et quod nullus cuiuscumque status ordinis seu dignitatis existat nos mandata ordinationes et dispositiones nostras circa hec audeat sub excommunicationis pena quomodolibet impedire seu contrarium attemptare. Alioquin uos domine Iohannes Rex Scotorum ex nunc prout ex tunc contrarius faciendo procurando seu assentiendo excommunicationis et aliis obligationis ac iuramenti penis in hijs scriptis decernimus subiacere; necnon omnes alios et singulos ut dictum est tam clericos quam laycos cuiuscumque conditionis status seu dignitatis existant nos uel alios pro nobis quomodolibet impedientes uel molestantes in predictis uel aliquo predictorum excommunicationis sententia innodamus et uniuersitates seu loca eorum si domini locorum fuerint supponimus ecclesiastico interdicto a qua sententia nullus absolui ualeat nisi a nobis uel a superiore nostro uel de eius licentia speciali lata et pronunciata fuit dicta sententia in scriptis per dictum dominum R. Episcopum Uicentinum sedentem protribunali presentibus dicto domino Iohanne Rege Scotorum et multis de ipsius familia et aliis audientibus apud Malamansionem in Camera Episcopi Cameracensis Cameracensis diocesis coram Religiosis Uiris fratribus Geruasio Magistro in Theologia et Nicolao de Brugis ordinis Minorum et discretis uiris domino Guillelmo de Mediolano Capellano Abbate Raynerii de Senense et Iacobino de Concorezo domicellis dicti domini Episcopi Uicentini et aliis pluribus testibus ad hoc uocatis. Anno natiuitatis domini Millesimo ducentesimo nonagentesimo nono. Indictione duodecima die undecimo Novembris Pontificatus domini Bonifacii pape viij. Anno quinto.

'In eisdem Anno. Indictione et pontificatu die quintadecima mensis Decembris apud Castellionem lingonensis diocesis in hospicio Andree Gibuoyn hospitis. Coram Uenerabili patre domino fratre Guidone Abbate de Pulceriis ordinis Cluniacensis et fratre hugone de Uilariis dicto Blancet ordinis Minorum et dominis Thoma Canonico lunense. Et Stephano de forio legum doctore Sociis et Abbate de Senensi et Perrotto de Sabaudia domicellis dicti domini Episcopi Uicentini et aliis pluribus testibus ad hoc. Suprascriptus dominus R. Episcopus Uicentinus Nuncius presente dicto domino Iohanne Rege Scotorum sedens pro tribunali inscriptis suprascriptis suam sententiam contra dictum dominum Iohannem Regem Scotorum et alios innouauit et approbauit mandans dicto domino Iohanni Regi Scotorum presenti ut iret cum familiaribus ipsius domini Episcopi Guiriacum domum seu castrum quoddam Abbatis Cluniacensis lingonensis diocesis sub penis contentis in sua sententia supradicta

et quod inde non recedat aliqua ratione uel causa sine ipsius speciali licentia et mandato.

'Ego Constantinus dictus de pozolo clericus Mediolanensis publicus Apostolica et Imperiali auctoritate Notarius hoc exemplum de prothocollo Magistri Nerij Spronelli notarii predicti auctoritate et mandato Reuerendi iuri domini Magistri Iohannis domini pape Camerarij propria manu scripsi et fideliter exemplaui nihil addens uel minuens quod sensum mutet uel variet intellectum et ad maioris roboris firmitatem meum consuetum signum apposui et me subscripsi rogatus.'

The translation runs as follows:—

In the name of the Lord, Amen. In the year of Nativity 1299, twelfth Indiction, 18th July, fifth year of Pope Boniface VIII, in the presence of the Reverend Father Lord R[aynald], by the grace of God Bishop of Vicenza, Nuncio of the Apostolic See; being present the Venerable Father Lord John, Bishop of Carcassone, the Noble Lord James de Castellione, Lord of Leusa and of Condeto and Lord Peter de Bellapertica, Canon of Bourges, Nuncio of the Most Excellent Lord Philip, Illustrious King of France; also in the presence of me, a notary, and of the underwritten witnesses, there appeared His Magnificence Lord John de Baliol, styled King of Scotland, declaring himself free and freely committed, on account of the reverence borne by the Most Excellent Lord Edward, Illustrious King of England, to the most Holy Father Lord B[oniface], Sovereign Pontiff, into the hands, power and judgement of the said Lord Bishop of Vicenza, aforementioned Nuncio, receiving [him] in the name and stead of the said Lord Pope, and he promised and agreed simply, willingly and freely, to the said Lord Bishop of Vicenza, Nuncio, receiving and covenanting in the name and stead of the said Pope, to stand simply and wholly in obedience to the mandates, ordinances and pleasure of the said Lord Pope and Bishop of Vicenza, or of any other having mandate from the Lord Pope thereanent, and to go with the said Bishop of Vicenza or with any other or others, according as the said Lord Bishop will order him from time to time, and to remain in the place or places where the said Lord Bishop of Vicenza shall order him to remain, and nowise and for no reason depart from the Lord Bishop of Vicenza or from any other or others or from the place or places where he had been consigned, or commanded to remain, without special licence and consent of the Lord Bishop of Vicenza or of another having special mandate thereanent with a true Bull of the said Lord Pope, until the said Lord Pope shall decree otherwise concerning his person. For steadfastly observing and fulfilling which things all and sundry, the said Lord John, styled King of Scotland, into the hands of the said Lord Bishop of Vicenza, receiving as said is, freely submitted and bound his person and all his goods, rights and actions, present and future, wherever they are or may be, especially to the Roman Church and said Lord Pope, in such way that if he should not fully do and observe the above, as said is, all and sundry, all his goods, wheresoever they are or will be, shall thereby pass by way of penalty into the right and power of the said Lord Pope and be confiscated to the Roman Church, while proceedings shall be taken against his person as against a perjurer, contumacious and disobedient to the Roman Church and said Lord Pope. Moreover, for the greater stability of all the premises, the said Lord John, styled King of Scotland, swore upon the Holy Gospels to perform and inviolably to observe all and sundry the above written, as stated.

Done at Wissant-sur-mer in the Realm of France in the hospice of John Steuari, in the presence of Lord E., lord of Berleta, Robert Liuerd, Master William de Rivo, clerk and notary of the Lord King of France, and Lords

Lancelm, provost of St. Thecla, Milan, and Thomas de Vicopisano, canon of Luna, chaplains of the said Lord Bishop of Vicenza, and master Nerius, notary of the Bishop, and many others called as witnesses for the purpose.

In the name of the Lord, Amen. In the year of Nativity 1299, twelfth Indiction, Wednesday 22nd July, fifth year of the Pontificate of Pope Boniface VIII. In the presence of me, a notary, and of the witnesses underwritten, specially asked and called for the purpose. There being personally present, before the Reverend Father in Christ Lord Raynald, by the grace of God Bishop of Vicenza, Nuncio of the Apostolic See anent restoring peace between the Most Excellent Princes, Lord ..... of France and Lord ..... of England, Illustrious Kings, both the Venerable Sirs concerned in the affair, and the discreet lords, Master Walter, styled Le Chat, canon, Official of Laôn; Bonhomme de Sublaco, Canon of Cambrai and B....., styled Provost of Quimper, Vicars of the Reverend Father Lord G....., by the grace of God Bishop of Cambrai; the said Lord R., Bishop of Vicenza, in the name and stead of the Sovereign Pontiff, handed over and assigned His Magnificence, Lord John de Baliol, styled King of Scotland, there present, as presented, assigned and delivered and also freed from the power of the foresaid Lord King of England, in whose hands he was, into the hands of the above Lord Nuncio in name of the Sovereign Pontiff, for whom he should be held, guarded and safely preserved in good faith without guile or fraud in the Castle or House of Malmaison, which house from now on he has placed for the purpose in the protection, guard and defence of Holy Mother Roman Church, to the aforesaid Lord Official and Vicars in the name of the Lord Bishop of Cambrai, until it shall have been ordered otherwise anent the said Lord John by the said Pope or Lord Bishop of Vicenza, or another Nuncio, having mandate of the Pope thereanent. The said Lord Bishop of Vicenza requesting, exhorting and admonishing the above-mentioned Official and vicars, and ordering them by the authority which he enjoys, that out of reverence to the Roman Church and the Sovereign Pontiff they shall have such care, guardianship and safekeeping of the said Lord John, as well by themselves as by others, as shall seem expedient; so that the said Sovereign Pontiff may, not without reason, commend them for their diligence and solicitude, and that they may not deserve to incur his indignation. Which Official and vicars, with common will and assent, willingly and freely out of reverence for the Roman Church, the lord Pope, and the Bishop of Vicenza aforesaid, received forthwith the aforesaid Lord John, there present, to be kept, guarded and safely held by them or their Nuncios faithfully, without guile or fraud, according to the assignation and delivery of the Lord Bishop of Vicenza. Performed at Cambrai, in the house of the Lords of the Chapter of Cambrai, where they are wont to hold the Chapter, there being present, the Venerable Sirs Lords Lancelm, provost of St. Thecla, Egidius (Giles) Pamersali, Canon of St. George's in the Palace of Milan, Lord Stephen de Fur, of Lyons diocese, professor of law, Master Galuagnius de Medici, physician, Master Nerius di Podiobonigi and Saluinus de Pergamo, notaries, chaplains and associates of the foresaid Lord Bishop of Vicenza, witnesses specially called and asked for the purpose.

Year, Indiction and Pontificate as above: the 23rd of July, in the Castle of Cambrai, in the house of the Bishop of Cambrai, in the presence of me, a notary, and of the witnesses underwritten, called and asked for the purpose. The above-written Lord John de Baliol, styled King of Scotland, freely and willingly

said and declared, that if his Lordship the most Holy Father, Lord Pope Boniface VIII, should not take order anent him and the affairs relating to him and to the Kingdom of Scotland, that his successor or successors shall be able, until the matter is finally determined, to take order therewith according to their pleasure, in whose hands he wishes to be, and submits himself as if into the hands of the said Lord Sovereign Pontiff until the issue of these matters. Done in the said place, there being present Lords Gerard de Clare, Canon of Cambrai, Lancelm, and Thomas de Vicopisano aforesaid, Chaplains of the said Lord Bishop, and Master Nerius, his notary, witnesses for the purpose.

In the name of the Lord, Amen. In the year of Nativity 1300, thirteenth Indiction, the 28th day of September, sixth year of the Pontificate of Lord Pope Boniface VIII. In the presence of me, Constantinus, notary, and of the underwritten witnesses. The Reverend Father, Lord R[aynald], by the grace of God Bishop of Vicenza, Nuncio of the Apostolic See, in the name and stead of the most Holy Father, Lord Boniface, by Divine Providence Sovereign Pontiff, assigned and delivered to Master Saluinus de Pergamo, notary, to Ramusinus Busolo de Parma, and to Perotto, called De Sabaudia, his doncels and familiars, as being men pledged to him and faithful, Lord John de Baliol, Illustrious King of Scots, to be guarded and safe-kept in the castle of Gevrey (Jeuriaci-in-Montana) of the Abbot of Cluny, Langres diocese,[1] until they should be specially commanded to do otherwise by the said Sovereign Pontiff or the Lord Bishop in person. He also commanded the said Lord King, being present, that he go not out by himself from the said castle, the place assigned to him, in any way without licence unless in company of his foresaid familiars or the greater part of them, and if it shall happen at any time that he go out to take a walk with the said licence and companionship, he is commanded that he do not leave the said castle before sunrise, and that he return and enter the said castle before sundown, under pain of all his goods and the oath taken to the said Lord Bishop and of excommunication which he may automatically incur by acting contrariwise, and under all the other pains contained, as well in the obligations made by the said King to the said Lord Pope and the Roman Church, as in the sentence pronounced by the said Lord Bishop against the said King and others, and in the mandates made to the same; which, all and sundry, there the same Lord Bishop renewed, confirmed and approved as he was best able of right. Done in the said castle of Gevrey, there being present the Venerable Father Lord Brother Hilary, Bishop of Isola, S. Herine,[2] lords
Brother Raynald, Dean, a Brother of the said place, ... Dean of Verzi, Cluniac order, and Lords Martin de Alzate, Master Galuagnius, Provost of St. Donatus in Strata,

[1] For the identification of this castle I am indebted to the courtesy of Monsignor Pelzer of the Vatican Library and of M. P. Claudon, Conservateur des Archives du Département de la Côte-d'Or. M. Claudon writes: 'La localité . . . s'appelle aujourd'hui Gevrey-Chambertin, mais Chambertin est une addition récente (1897) et correspond au nom d'un vignoble renommé situé sur le territoire de cette localité. Jusque-là on a dit Gevrey, ou Gevrey-en-Montagne. . . . L'abbé de Cluny en avait la seigneurie avec château: on y trouve mention d'un prieur au moyen âge.

'Gevrey est une commune du département de la Côte-d'Or, arrondisement de Dijon, canton de Gevrey même: il est situé à 13 kilomètres au sud de Dijon. Mais avant 1731, date de l'érection de l'évêché de Dijon, pris de celui de Langres, il faisait bien partie de l'évêché ou diocèse de Langres.'

An old-world residence with square towers and surrounded by a high stone wall still exists upon this site among the vineyards: but the proprietor states that there are no remains of the thirteenth-century castle.

[2] Apparently Dsola, suffragan of S. Severina. Bishop Hilary appears in 1297. (See Eubel, *Hierarchia Med. Aev.* I. 296.)

Milan diocese, and Nerius de Podiobonigi, notary, and many other witnesses called and asked for the purpose.

I, Constantine, styled De Pozolo, clerk, Milan diocese, notary public by apostolic and imperial authority, and scribe of the foresaid Lord R[aynald], Bishop of Vicenza, Nuncio of the Apostolic See, was personally present together with the aforesaid witnesses at the above proceedings, all and sundry, and by mandate and authority of the said Lord Bishop I have written and published them, and signed them with my customary sign, being asked.

This exemplar is a transumpt made by me, Constantine, notary underwritten, from the protocol of Master Nerius Epronelli de Podiobonigi, notary public by apostolic and imperial authority, at that time scribe to the Reverend Father Lord Raynald, by the grace of God Bishop of Vicenza, anent certain acts done by the said Lord Bishop, then Nuncio of the Apostolic See, as hereinafter related. In the name of Christ, Amen. We, Raynald, by the grace of God, Bishop of Vicenza, Nuncio of the Apostolic See anent restoring peace between the Lords Philip and Edward, by the grace of God Illustrious Kings of France and England, require and warn, first, secondly, thirdly and peremptorily, you, Lord John de Baylleul, King of Scots, here present, and others, all and sundry, as well clergy as laity, of whatsoever order, state, dignity and condition they may be, present and absent, to whom our present sentence may anywise come, that, since you, Lord King, are assigned and delivered to us, receiving you in the name and stead of the most Holy Father and Lord, our Lord Boniface Sovereign Pontiff, and for him with the consent and will of the foresaid Kings, you have promised, bound and sworn to us, receiving and stipulating as said is, not to depart for any cause or reason from us, nor from the place or places where we should or shall command you to be or remain, or to which we might wish to convey you or have you conveyed by any person or persons, without our express and free will and licence, under pain of excommunication and the other pains contained in the promise and obligation made by you to us, as said is; and, by virtue of your sworn oath, you may not depart without the express licence of us or of another having special mandate for the purpose from our said Lord Sovereign Pontiff. And you shall go without any gainsaying wheresoever or to whomsoever we shall from time to time appoint, and hereto we now enjoin you expressly under the foresaid pains and oaths; and command that no one, of whatsoever state, order or dignity he be, dare under pain of excommunication in any way to hinder or attempt anything in the contrary of us, our mandates, ordinances and dispositions hereanent. Otherwise we now as then decern you, Lord John, King of Scots, doing, promising or assenting to anything in the contrary, to underly the pains of excommunication and all other pains involved in your obligation and oath herein written; also all and sundry others, as said is, as well clergy as laity, of whatsoever state and dignity they be, in any way hindering us or others in our name and molesting us in the foregoing or any part thereof, we bind with the sentence of excommunication and we put the whole of them or their places, if they shall be lords of places, under ecclesiastical interdict, from which sentence no one can be absolved, unless by us or by our superior, or by his special licence brought and pronounced. This sentence was put into writing by the said Lord R., Bishop of Vicenza, sitting as Judge, there being present the said Lord John King of Scots and many of his household and other audience at Malmaison in the room of the Bishop of Cambrai, Cambrai diocese, before religious men, Brothers Gervase, Master in Theology, and Nicholas de

Brugis, of the Order of Friars Minor, and discreet men Lord William, chaplain of Milan, Abbot Raynerius of Siena and Jacobinus de Concorezo, doncels of the said Lord Bishop of Vicenza, and many other witnesses called for the purpose. In the year of Nativity 1299, twelfth Indiction, eleventh day of November, fifth year of the Pontificate of Pope Boniface VIII.

In the said year, indiction and pontificate, the fifteenth day of December at Châtillon-sur-Marne, Langres diocese, in the hospice of Andrew Gibuoyn, host, before the venerable Father Lord Brother Guido Abbot of Pulcerys, Cluniac order, and Brother Hugh de Vilarys, called Blancet, of the order of Friars Minor, and Lord Thomas, canon of Luni, and Stephen de Fur, doctor of laws, partners thereto, and the Abbot of Siena and Perotto de Sabaudia, doncels of the said lord Bishop of Vicenza and many other witnesses for the purpose. The underwritten Lord R., Bishop of Vicenza, Nuncio, sitting as Judge, the said Lord John, King of Scots, being present, and the above having been written, reaffirmed and ratified his sentence against the said Lord John, King of Scots, and others, commanding the said Lord John, King of Scots, there present, to go with the familiars of the said Lord Bishop to Gevrey, a certain house or castle of the Abbot of Cluny, Langres diocese, under the pains contained in the above sentence and not to withdraw thence upon any cause or consideration without his special licence and mandate.

I, Constantine, called De Pozolo, clerk, Milan diocese, notary public by apostolic and imperial authority, have written this exemplar from the protocol of Master Nerius Spronelli, notary aforesaid, by the authority and mandate of the reverend Lord Master John, Chamberlain of the Lord Pope, and I have taken and faithfully exemplified, adding or omitting nothing which might change the sense or alter the meaning, and for the greater strength and validity I have appended my customary sign, and subscribed myself, being asked.

Once more, a short commentary is needed. In our first document, Baliol appeared as a disinherited King, committed to custody in England. In this group he is a ward in France, experiencing a change of masters, and the transaction is expressly made ' out of reverence to the most Holy Father Lord Boniface, the Sovereign Pontiff.' This is interesting, since the veneration was inspired by the rivalry between Philip of France and Edward of England. There were many points at issue between these potentates, but as neither was in a position to make an appeal to arms, they had remitted their disputes to the arbitration of the Pope; and Raymond, Bishop of Vicenza, had been commissioned, as Papal Nuncio, to mediate peace between them.[1] The fates of John Baliol and of the realm of Scotland were vital points in these negotiations, for during Baliol's short reign the common hostility of Scotland and France to England had brought about that close alliance against England which was to be an important feature in European history for two centuries and a half. Philip was thus loath to sacrifice his allies, while Edward refused to recognise the authority of his vassal to contract the alliance with France. Theoretically, the incident is not without interest, for it seems to stand between mediaeval and modern politics. On the one side, there is the old theory of Christendom as an entity in which the Vicar of Christ acted as supreme Judge and Arbiter in the affairs of Princes. On the other hand, there is the

[1] See documents printed in *Foedera*, Vol. II., p. 835, etc.

newer idea of independent nationalities, and of a political balance of power actuated by secular motives.

Accordingly, to return to the political field, it was a useful expedient to deliver 'the illustrious Lord John de Baliolo, styled King of Scotland, . . . into the hands, power and judgement' of the Apostolic Nuncio, acting in the name and stead of the Pope. Edward was probably glad to be rid of his ward, but at the same time he made it perfectly clear that in surrendering him to papal disposition he did not intend to waive his own claim to the Overlordship of Scotland. The document thus deals with the person of the fallen King, quite apart from the fate of his kingdom.[1] According to the stereotyped formula, it is represented that Baliol 'freely and voluntarily' placed himself and his fortunes at the disposition and pleasure of the Sovereign Pontiff; but the conditions imposed upon him tell their own story, a tragedy which the legal technicalities of the notarial instruments cannot hide.

At Wissant-sur-Mer, on the 18th July, 1299, John Baliol swore upon the Gospels to keep continual residence wherever he should be consigned by the Bishop of Vicenza or other authentic papal mandatory, until the Pope should order otherwise. Four days later, in the Chapter House of Cambrai, the Nuncio handed him over to the representatives of the Bishop of Cambrai, to be warded within his house of Malmaison, which was placed for the purpose under the special protection of Holy Mother Church. On the 23rd, in the Bishop's castle at Cambrai, Baliol again formally placed himself at the disposition of the Apostolic See, until the Pope should have ordered his affairs.

Some four months later, on 11th November, the Bishop of Vicenza, in the execution of his mandate, formally summoned Baliol and reimposed the previous obligation upon oath and under pain of excommunication of himself, his aiders and abettors, in case of disobedience. This judicial procedure took place in the room of the Bishop of Cambrai at Malmaison; but the captive was soon to be transferred to another place of residence. On the 11th December, the Papal Nuncio, holding his court at Châtillon-sur-Marne in the diocese of Langres, ordered Baliol to repair to the castle of Gevrey, belonging to the Abbot of Cluny: and there, on 28th September, 1300, he was committed to new guardians, sworn servants of the Nuncio. The change of Keepers made no difference, however, to the place of detention or to the rigorous conditions. The erstwhile King of Scots might not leave the castle without the licence and escort of his guardians: and in no case might he be out after sundown, under pain of confiscation of his goods and the sentence of excommunication.

At this point the story ends. Our document does not state what steps the Pope ultimately took to order the affairs of Baliol; but history relates that he was liberated at the instance of the Holy See, and that he died at his family estate of Bailleul in April, 1313.[2] By this time, owing to the ascendancy of Robert Bruce, he no longer counted, even as a pawn, in the diplomatic contest.

The Purpose of the Documents and their Connection with Rome

How did the two documents reach Rome, and what was their significance at the Papal Court? The second document is easier to explain and may be taken first. It was

[1] This was expressly specified in the official documents, testifying to the delivery of Baliol. 'Hoc est scire et intelligere, quod Dominus noster summus Pontifex non possit ordinare, nec dire de dicto Regno Scotie.' (*Foedera*, II., 848; repeated in French, p. 849.)

[2] *Scottish Kings*, 117 and *n*. The accounts given in the *Dictionary of National Biography* and *Encyclopædia Britannica* show how meagre is the information about the last years of Baliol's life.

natural that Master Constantine de Pozolo, Notary Public, should make, for ultimate reference to the Sovereign Pontiff, an official record of the proceedings by the Nuncio, who disposed of the dethroned King by the authority and in the name of the Pope. This is the source for three of the above recounted incidents: and the special interest of the Papal Court in the matter is shown by the transumpt, or authentic copy, of the other two, made by the same Master Constantine at the express command of the Papal Chamberlain; for this official had oversight of the temporal affairs of the Apostolic See, and thus was acting in virtue of his office in procuring an official statement of proceedings which affected the fortune of a ward of the Church. So the green thread by which the parchment of the transumpt is stitched to that of the original instrument typifies the unity of subject which links the two parts of our second document. Again, it must be noted that the 'accustomed sign,' or notarial mark, of the scribe, is the hall-mark which authenticates these documents as records of official proceedings at which the Notary was personally present with other witnesses specifically summoned. These are legal documents written in the cursive hand of everyday business, and accurate in their statement of definite facts.

The character of the writing just noted is, moreover, important, for therein lies the fundamental difference between the notarial instruments and the first document. Our first document is not the product of Continental business folk, but was written in a quiet English monastery where the miniatured parchment was penned in book-hand. The two top corners are cut away to make a flap, showing that it was intended to be kept in the form of a roll. Thus it was a literary, not a legal document. It deals with the case for the Overlordship of Scotland by the King of England, as an ecclesiastical writer saw it, without the aid of notarial spectacles. Even his historical sense was not strong, for the document, as we shall see, is derived from unspecified sources, is inaccurate in its details, and obscure in purpose. How, then, did it come to rest in the Vatican Archives? There is no clue to indicate this, except the known fact that at this period Pope Boniface was acting as champion of Scottish independence of England, while King Edward was assiduously compiling the defence of his claim to suzerainty. So the present document might be considered as an attractive pictorial representation of the subject, designed for His Holiness, but having no other practical scope. It is, in short, a literary composition, not a legal document.

The evidence for its date is as follows. It must fall later than the Feast of the Nativity of St. John the Baptist in 1296, to which it makes reference; and the pointed Gothic lettering belongs to the turn of the century. As for its source, the miniatures, the interest in genealogy, the lack of first-hand information, and, above all, the emphasis laid upon the attendance of the Lords Spiritual at Parliament, point to a monastic origin. It may thus be suggested that the document was executed about the year 1300, when Edward was calling upon Religious Houses for information about Scottish affairs;[1] but it was not an official instrument, since it is neither accurate nor arranged in legal sequence. It may even be added that it was not a premeditated falsification, since its errors lack purpose, and suggest rather a shortage of official information. Some of these errors may be enumerated. The knowledge shown of the succession of the

[1] The returns made by twenty-two Religious Houses have been published by Sir Francis Palgrave in the introduction to *Documents and Records relating to Scotland.* Bain remarks that the extracts from the chronicles 'contain a curious mixture of historical facts and monkish legends.' (*Calendar of Documents, Scotland*, II., Introduction, xix.)

Scottish Kings is extremely vague. Alexander III, upon whose death the dissension arose, is given the curious title of 'Iunioris militis,' and is represented on the Family Tree, not as the son of Alexander II, but as his younger brother, also named Alexander. Malcolm the Maiden is omitted from the regnal line. David, Earl of Huntingdon, the common ancestor of those whose claim was allowed, appears as the second instead of the third son of Henry, Earl of Northumberland. Mistakes like these must arise from simple ignorance, and the same might be said about the enumeration of the claimants. Eight names are specified; but a list of eight is neither comprehensive nor exclusive. If comprehensive, it should have included all thirteen competitors; if exclusive, it should have been limited to the three serious candidates.[1] Again, the narration of events is inaccurate. It is untrue that King Edward 'held a Parliament at Norham'; and redundant to say that he 'summoned thereto all who ought to be summoned as well as the clergy of England'; for the meeting at Norham was technically not a Parliament, but an Assembly, and this is just the confusion of terms that was customary in common talk and in monastic chronicles. Finally,[2] though Baliol may, in fact, have lost his Kingdom 'before the Nativity of St. John the Baptist' (24th June, 1296), he did not legally sign his Abdication until July 10th.

It is thus clear that the writer was not using authentic sources for his compilation any more than his portraits in miniature could pretend to be original likenesses. Here, too, he was treating his subject in conventional manner, for the sake of embellishment rather than faithful reproduction. Nevertheless, the miniatures present some interesting features. All are framed within a circular border. The Kings are crowned with chaplets, the ladies wear the coif. The flush which animates some of the cheeks is a characteristic convention of the late thirteenth century; but here it also serves to distinguish the fruitful from the barren stock. It is not the hectic hue of those who live delicately, but the ruddy countenance of pulsing health and pride in the blessing of heirs. Those in whom the succession ceased hang drooping heads, blanched with the pallor of death.[3]

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[1] See the list of the competitors enumerated by Sir Archibald Dunbar from the Great Roll of Scotland (*Scottish Kings*, 111–13).

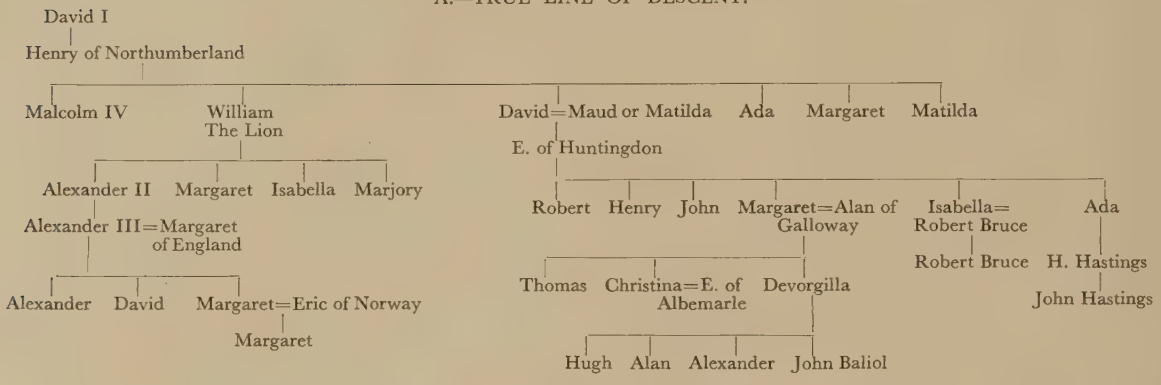
[2] See 'The Scottish Parliaments of Edward I,' by H. G. Richardson and G. Sayles, in *Scottish Historical Review*, XXV, pp. 300 et seq. Mr. Sayles has given the present document his consideration, and I gratefully acknowledge my debt of obligation for his helpful suggestions, based upon his knowledge of the period.

[3] Mlle Polaczek, archivist at Lemberg, who has made extensive studies in European heraldry, states that the hanging head was a common heraldic convention to denote lack of heirs; but no other pictorial device of the kind has come within the cognisance of the Lyon Office of Scotland.

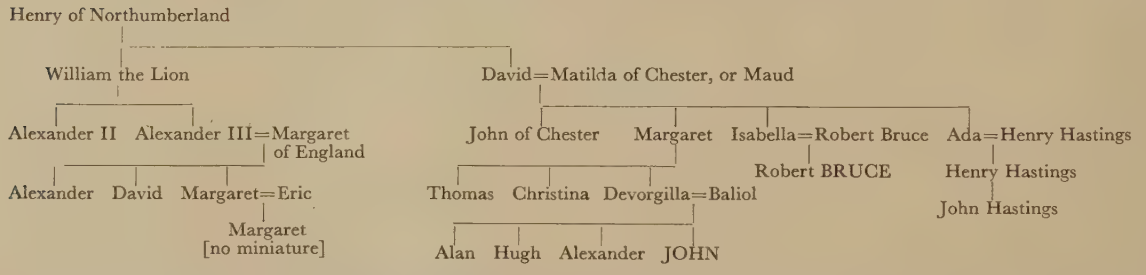
APPENDIX.

THE REGNAL LINE OF SCOTLAND.

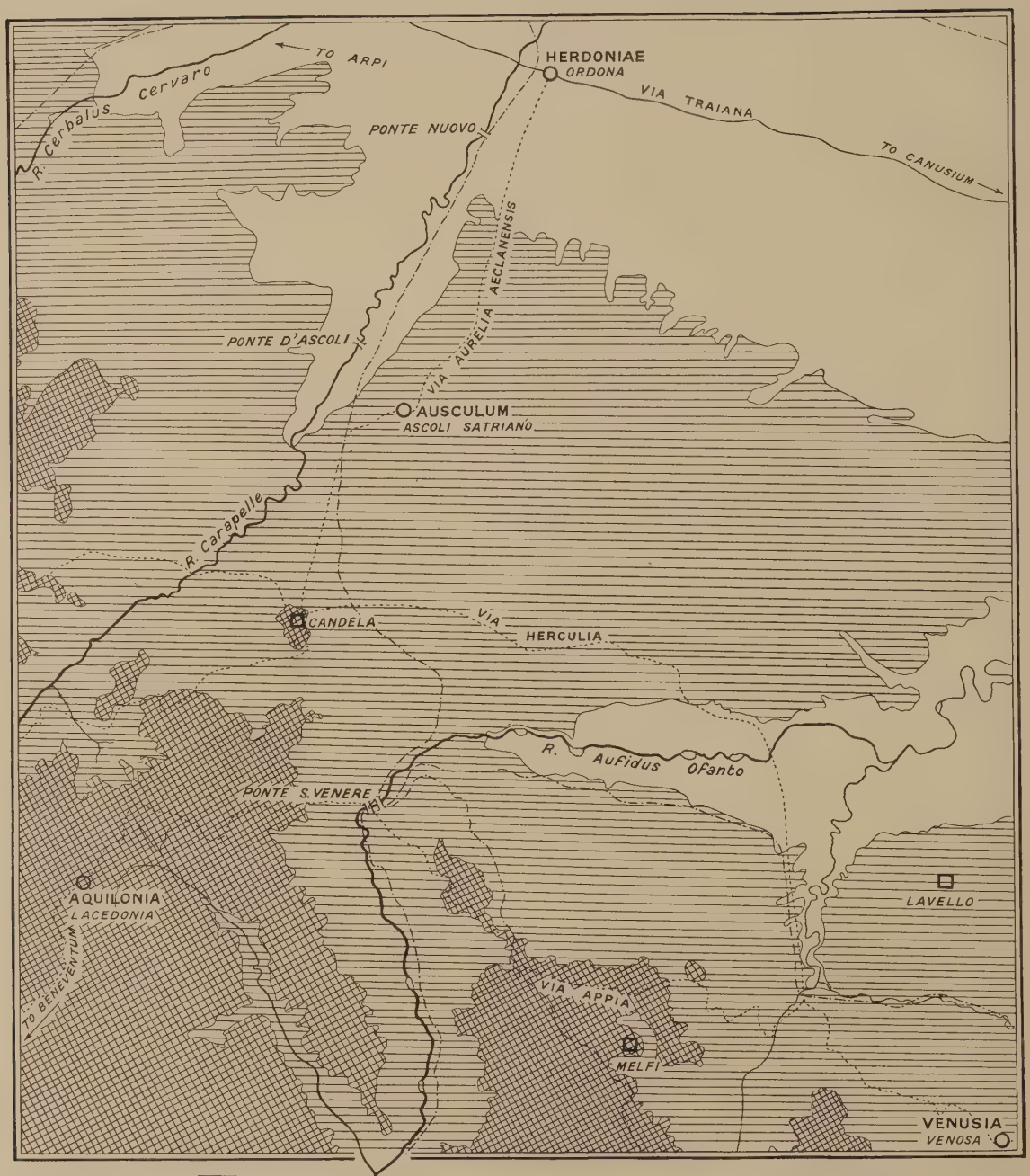
A.—TRUE LINE OF DESCENT.



B.—LINE OF DESCENT AS GIVEN BY THE VATICAN GENEALOGY.



The list omits Malcolm IV, Ada, Margaret, Matilda; Margaret, Isabella, Marjory, David, Robert, Henry. Mistakes Alexander II and III for brothers. Mistakes Henry of Northumberland for David I.


TO ARPI
HERDONIAE
ORDONA
VIA TRAIANA
TO CANUSIUM
R. Cerbalus
Cervaro
PONTE NUOVO
VIA AURELIA AECLANENSIS
PONTE D'ASCOLI
AUSCULUM
ASCOLI SATRIANO
R. Carapelle
CANDELA
VIA HERCULIA
R. Aufidus Ofanto
PONTE S. VENERE
AQUILONIA
LACEDONIA
TO BENEVENTUM
LAVELLO
VIA APPIA
MELFI
VENUSIA
VENOSA
O.... Ancient towns.
□.... Modern "
..Below 200 metres.
..200—500 "
..Above 500 "
0 1 2 3 4 5 6 7 8 9 10 Kilometres.
0 1 2 3 4 5 6 Miles.
Ancient roads, certain. probable.
Railways.

A TOPOGRAPHICAL STUDY OF THE BATTLE OF AUSCULUM.

By E. T. SALMON.[1]

Pyrrhus, after the campaign of 280 B.C., spent the winter in Tarentum, whence in the spring of the following year he made an advance into Apulia and captured a number of towns.[2] Shortly, however, he found his path blocked by a substantial Roman force stationed on the territory of the obscure town of Ausculum. Obscure though this town might be, it was of strategic importance. Two roads crossed there—the Via Aurelia Aeclanensis (leading from Aeclanum to Herdoniae) and the Via Herculia (leading from Aequum Tuticum to Venusia).[3] It is still possible to describe the town as controlling one of the three southern entrances into Apulia.[4]

It has been suggested that Pyrrhus' object in this Apulian invasion was to capture Venusia, the recently founded, prodigiously strong Latin colony.[5] To the present writer, this seems most improbable. The venture would have taken a good deal of time and effort, and it would certainly have cost many lives which Pyrrhus could spare but ill. This is especially true if the town was by then provided with a wall, as Beloch thinks. It seems more probable that Pyrrhus had another plan in mind. In the preceding year he had advanced into Latium, at least as far as Anagnia,[6] and possibly even as far as Praeneste,[7] his purpose being, not to besiege Rome, but to try to provoke by his presence a general defection of Rome's allies in that region. Unfortunately for Pyrrhus, those Latian allies were bound too tightly to Rome, and no movement followed.

Now, in the year 279 B.C., he tries a similar scheme in an area where, as Hannibal was later to prove, he had far more chance of success; for, himself a Greek, he was now operating in a region where Greek civilisation in cities like Arpi and Canusium was most firmly established. Such towns were much less likely to be bound by strong ties to Rome; presumably they were more ready for a breakaway movement than were the towns of Latium. When, therefore, Pyrrhus found himself blocked by a Roman force near Ausculum, he decided to fight in order to be able to continue his advance. Accordingly, a battle took place.

[1] The author would like to express his obligations to Mr. I. A. Richmond, Director of the School, for help with the map. Of course, the author is responsible for the opinions here set forth.

[2] Zon. viii. 5: *ὁ Πύρρος εἰς τὴν Ἀπουλίαν ἐνέβαλεν κ.τ.λ.*

[3] For the road system at Ausculum, see T. Ashby and R. Gardner in *Pap. Br. Sch. at Rome*, viii, 1916, p. 119. Nissen, *Ital. Landesk.* ii, 1901, p. 845, wrongly says that the town lay on the Via Traiana. Ausculum is the correct spelling of the name, as is proved by the evidence of coins (Friedländer, *Osk. Münzen*, p. 54), and of inscriptions (*C.I.L.* ix. 665). The Osculum of Festus, p. 228 L., is a mere variant. The form *Ἄσκλον* is due to confusion with the well-known town of that name in Picenum.

[4] A. von Hofmann, *Das Land Italien u. seine Gesch.*, 1921, p. 349.

[5] Niebuhr, *Röm. Gesch.* iii. p. 588; followed by Beloch, *Griech. Gesch.* iv. 2, p. 465 seq.; and De Sanctis *Stor. d. Rom.* ii, p. 399. According to Dionys. frag. xvi–xviii. 5, the colony (founded in 291 B.C., Vell. Pat. i. 14. 6) had 20,000 colonists. It is uncertain whether it was immediately provided with a wall. Polybius, iii. 90. 8, says that Venusia was not walled in 217 B.C.—a statement accepted by Niese, *Gesch. der griech. u. maced. Staaten*, ii. p. 34, n. 5, but rejected by Beloch, *op. cit.*, p. 469. The reading Telesia for Venusia in Polybius' text is now usually accepted, Mommsen in *C.I.L.* ix. p. 44.

[6] Appian, *Samn.* c. 10.

[7] Florus, i. 13.

Of this battle, which was quite an important one,[1] we have a long account in Dionysius of Halicarnassus (xx. 1 f.), a shorter one in Plutarch (*Pyrrhus*, c. 21), and a yet shorter one in Zonaras, *i.e.* Dio Cassius (viii. 5). These accounts are based, to some extent at any rate, on those of Greek writers contemporary with the events, and we are given fairly precise topographical details. Such being the case, it is strange that so important a battle has received such scant attention—especially strange in these days of ardent 'Quellenforschung.'

It used to be the fashion to reject every notice of the battle other than that given by Plutarch.[2] This is no longer quite the case, but nevertheless modern critics cannot agree on the extent of Plutarch's indebtedness to Hieronymus or possibly to Pyrrhus himself, or on the extent of Dionysius' indebtedness to Timaeus or possibly to Proxenus. One would seem to pursue the best policy by being chary of rejecting information from any of our sources unless that information is demonstrably false—and, on the whole, our sources agree, one with another, fairly closely. This last remark applies particularly to the topographical details. All three of our main sources tell us that the two armies were separated by a river near Ausculum,[3] on the banks of which the battle was fought, the Romans being placed on the left bank. Zonaras adds that the river was not easily crossed (*οὐκ εὐδιάβατος*); while, according to Plutarch, it was wooded and rough (*ὑλώδης καὶ τραχύς*). Both Plutarch and Dionysius agree that at least one of its banks consisted of high ground unsuited for cavalry or elephant manœuvres. To Zonaras we are indebted for a further detail: if the Romans crossed this river, they had yet another river to cross if they wished to get to Pyrrhus' camp. These details are distinctly given by our sources, and, as a result, it should not be difficult to identify the river on whose banks the battle was fought. Nevertheless, the task of identification has only twice been attempted. R. von Scala with the aid of a staff map (scale 1 : 250,000) tentatively suggested that the Carapelle was the river in question.[4] As he did not visit the neighbourhood of Ascoli Satriano, the town which today occupies the site of Ausculum, his opinion not unnaturally has not carried much weight. The only modern writer to visit the locality is Beloch, who went to Ascoli in September, 1901.[5] He found that Horace's description of the Carapelle ('pauper aquae Daunus'[6]) was still true, although, comparatively speaking, there had been a fair amount of rain that summer; the river could not be described as hard to cross (*οὐκ εὐδιάβατος*), nor as swift (*τραχύς*), nor even, very well, as wooded (*ὑλώδης*). On the other hand, he found near Ascoli another river, the Ofanto, or, to give it its ancient name, the Aufidus, which, as every reader of Horace knows,[7] is a swiftly-flowing stream and can be described even now as hard to cross and rapid (*οὐκ εὐδιάβατος καὶ τραχύς*). Furthermore, it certainly is *ὑλώδης*, as anyone, who has seen the Aufidus, will admit. Accordingly, Beloch came to the conclusion that this was the stream on whose banks the battle was fought, and his opinions are now amongst the acknowledged *κοινὰ* on the subject.[8] But, as these opinions are coupled

[1] Its importance may be gauged from the fact that some 50,000 men on either side took part in the action.

[2] Beloch, *Griech. Gesch.* iv. 2 (1927), pp. 465 seq. (reprinted from earlier editions); De Sanctis, *loc. cit.*

[3] In addition to Dionys. xx. 1, Plut. *Pyrr.* c. 21, and Zon. viii. 5, Front. *Strat.* ii. 3. 21 and Florus i. 13 both place it near Ausculum. Eutrop. ii. 13; Livy, *Per.* 13; Justin, *i.e.* Pomp. Trogus. xviii. 1. 11, Valerius Antias fr. 21 P., do not localise the battle. Oros. iv. 1. 19 says it took place in Apulia.

[4] *Der pyrrische Krieg*, Leipzig-Berlin, 1884, pp. 148 seq.

[5] Beloch, *loc. cit.*

[6] Horace, *Odes*, iii. 30. 11.

[7] Vid. *Odes* iii. 30. 10; iv. 9. 2; iv. 14. 25; *Sat.* i. 58.

[8] De Sanctis, *loc. cit.*; Homo, *Primitive Italy*, 1925, p. 208; Judeich, *Klio* xx. 1926, pp. 1 seq.; T. Frank, *Camb. Anc. Hist.* vii, 1928, p. 647. Only Pais, *Storia di Roma* v, 1928, p. 371, n. 3, suggests that Beloch may be wrong.

with some dangerous admissions, a reconsideration of the matter might not be out of place.

In the first place, Beloch was searching for a river with a copious supply of water because he argued that the river was, of necessity, both swiftly-flowing (τραχύς) and, in addition, a tactical obstruction of no small importance (this being his interpretation of the words οὐκ εὐδιάβατος). But τραχύς may not mean swift: if it did, it would be hard to see to which river it could be applied, for none of the rivers of Apulia flow swiftly in summer, and the battle was fought in summer, at a time when the river was, according to Plutarch, τραχύς. We must, then, agree with Mommsen [1] that the word here means not swift, but rough, and is applied to the river banks. With regard to the river's being what Beloch called a 'taktisches Hindernis,' it might be pointed out that our sources nowhere assert that the stream played any really important part in the operations—as Beloch, later, is himself compelled to admit.[2]

With strange inconsistency, Beloch then proceeds to admit that in summer the Aufidus possibly has no more water in it than the Carapelle—an admission expected by those who remember the description of the river given by Silius Italicus.[3] However, continues Beloch, in antiquity the hills round the source of the Aufidus were more thickly wooded than they are nowadays, and consequently in those days the river contained more water. Are we then to believe that the same statement is not equally true of the Carapelle, which has its source in the same area?

But the most damaging of Beloch's admissions is to the effect that, proceeding on the assumption that Niebuhr's supposition that Pyrrhus intended to besiege Venusia was undoubtedly correct, he, Beloch, had come to the conclusion on strategic grounds that the Aufidus was the only possible river, before ever he visited the locality: he even admits that his examination of the Aufidus was of a most cursory nature.[4] The hypothesis that Pyrrhus intended to besiege Venusia, as we have already seen, is not a good one. Furthermore, if Beloch had investigated the Aufidus with care he would have found that there is only one possible place where the battle could have been fought, viz. the spot where in 1052 a battle took place between Byzantines and Normans, at a point opposite Lavello. Here the prevailing high plateau is broken and offers easy passage. Surely Pyrrhus, eager as he was to advance, would have made for it immediately.[5] But what conclusion are we to draw from this? How could a battle fought there be said to be on the territory of Ausculum? This spot is only some 10 kilometres as the crow flies from the well-known and important Venusia,[6] while it is 27 kilometres as the crow flies from the otherwise utterly unknown Ausculum. In point of fact Ausculum is, prior to the battle, quite unknown; even after the battle made it famous, it was hardly ever mentioned—to be precise, only twice—a passing reference in the Social War [7] and a mention

[1] *Röm. Gesch.* I[11], 1912, p. 402. For the time of the year when the battle took place see below. For τραχύς = rough, cf. the name of Cilicia *Tracheia*, and Strabo's fanciful derivation of the name Tarracina (v. 3. 6, p. 233).

[2] *Op. cit.*, p. 472: 'der Aufidus im Sommer überall durchwatet werden kann.'

[3] Sil. Ital. x. 170, xi. 510, 'stagna Aufida.' Beloch's words (p. 468) are: 'indeed to-day in summer the Aufidus has not much water.'

[4] Beloch, *op. cit.*, pp. 469–70.

[5] Judeich, *Klio* xx, 1926, p. 7, accepts the statement of Beloch (*op. cit.*, p. 467), that the Ponte S. Venere is to be identified with the Pons Aufidi, which, according to the Itineraries, carried the Via Appia over the Aufidus, and that the battle took place at that point. But, for the identification Ponte S. Venere = Pons Aufidi there is no evidence: the Ponte S. Venere is not demonstrably ancient; nor is the nature of the country such as to encourage the belief that a battle was fought there.

[6] Cf. the words of Niebuhr, iii. p. 588: 'die allerbedeutendste aller Festungen, welche Rom im Apulien besass, war Venusia.'

[7] Appian, *Bell. Civ.* i. 52.

in the Liber Coloniarum. Horace possibly refers to it in a passage in the *Satires*.[1] Surely a battle which took place at a spot more than twice as far from the obscure Ausculum as from the great stronghold of Venusia would have been named after the latter place. The fact that the last battle of the Hannibalic War was fought at a point more close to another village than to Zama, but was nevertheless named after the latter place, is not a strict analogy; for in that case historians, when naming the battle, had a choice between two unknown villages in a strange, far-away land, and it made little difference on which their choice fell. Had the Pyrrhic battle been fought *midway* between Ausculum and Venusia, the choice for a name lay between an unknown village and a well-known colony. Surely, in that case, Venusia would have received the honour. A fortiori, if the battle had been fought at a spot *nearer* to Venusia than to Ausculum it would even more surely have been named after the former.

This consideration really destroys the case for the Aufidus: any battle fought on its banks would have been called the Battle of Venusia, a town well-known and comparatively close, rather than the Battle of Ausculum, a town unknown and comparatively distant.

A final point is that Beloch completely ignores the topographical detail supplied by Zonaras, *i.e.* Dio Cassius, to the effect that the battle was fought on the banks of one river and that Pyrrhus' camp stood behind, that is, south of, another river. Surely this means that the battle took place on the banks of the Carapelle and that Pyrrhus' camp was on the right bank of the Aufidus.[2] Indeed the Carapelle can very well be the river where the battle was fought. The Aufidus may roar in winter, but in summer it is no better off for water than the Carapelle. The banks of the latter, too, can very well be described as rough, especially so near Ponte Nuovo. Nor would the Carapelle be easily crossed if there were an army on the other side bent on stopping those attempting the crossing. Wooded the river certainly is: there are traces of forest all the way from Ponte Nuovo to Ponte d'Ascoli, and this forest may very well have been thicker in antiquity.[3] Above all, a battle fought on the banks of the Carapelle could be described as a battle of Ausculum, and could serve to bring fame to that otherwise practically unknown town.

The following reconstruction of events can be made. The Romans may or may not have felt anxiety for Venusia, which was a well-garrisoned Latin colony. But, at the same time, they were determined to protect the territory of Arpi. Accordingly they formed their protecting line by drawing themselves up behind the Carapelle.

Here, as Beloch admits,[4] 'even in the event of the worst outcome they would have had a most secure retreat, whether north towards Arpi or west towards Troia (Aecae) and thence further to Luceria or Beneventum.'

Our sources differ in the accounts they give of the course and outcome of the battle.[5] Dionysius says that the Romans crossed the river to attack Pyrrhus, and that at the end of

[1] Horace, *Sat.* i. 5. 86: 'oppidulum quod versu dicere non est'—there are, however, several other claimants besides Ausculum. Horace's remarks about the water in this area are still applicable, although the building of the Apulian aqueduct is rapidly proceeding. This, when completed, will help matters materially.

[2] Niebuhr, iii. p. 592, n. 882, talks of 'confusion' in Zonaras; this is not apparent to the present writer. The only other explanation of the Zonaras passage is that the battle was fought on the banks of the Cervaro, while Pyrrhus was encamped on the right bank of the Carapelle. For this suggestion see final note.

[3] The denudation of the Roman Campagna and the Ciminian Forest are two well-known examples of this process.

[4] Beloch, *op. cit.*, p. 468.

[5] The best treatment of the sources for the Pyrrhic War is by Niese, *Hermes* xxxi, 1896, pp. 481-507.

the day the battle remained undecided.[1] Later Roman accounts elaborated this and, instead of making the result a draw, awarded the victory to the Romans.[2] Plutarch makes the battle a two-day affair: on the first day Pyrrhus crosses the river to attack the Romans, but achieves little; on the following day he gains possession of the strong ground occupied by the Romans, brings up his elephants and routs his opponents.[3] It has been argued that Roman vanity has obviously been at work in the case of the former version and therefore only the latter need be regarded. But Plutarch admits that his narrative is derived, in part at any rate, from the memoirs of King Pyrrhus. The present writer, remembering Pyrrhus' nationality, thinks him just as liable to exaggerate and falsify 'in maiorem sui gloriam' as his Roman opponents. But one must admit that Plutarch's narrative is also in part derived from Hieronymus, who, we know, was generous to Pyrrhus' personal opponent Antigonus.[4] However, it should also be noted that Dionysius admits that the Romans were only saved from disaster by the action of the men of Arpi in burning Pyrrhus' camp:[5] one can scarcely call such a version entirely flattering to the Romans. Considerations such as these combine to make us feel tolerably certain that both our main sources must be treated as serious historical documents.[6] Dionysius, on the whole, is describing the battle of the first day. It is true he makes the Romans the aggressors: this is due to confusion with the battle of Heracleia, where the Romans *were* the first to cross the river (Plut. *Pyrr.* c. 16). Otherwise there is no violent discrepancy between his account of the first day's operations and the account of Plutarch. Dionysius does not mention the events of the second day.[7]

Therefore, to make our reconstruction of the events of the year more complete, we may say that about March Pyrrhus left Tarentum and headed for Apulia: a number of towns fell into his power rapidly, probably more rapidly than Beloch admits.[8] Passing Venusia, he intended to head northwards to provoke by his presence a defection amongst Rome's allies in the vicinity of Arpi and Canusium. But the Romans had complete command of the territory north of the Carapelle and stationed themselves on the left bank of that stream, with the idea of blocking the Epirote king's further progress.[9] They possibly had some 50,000 men commanded by the consuls, P. Sulpicius and P. Decius Mus. It is calculated that Pyrrhus must have had about

[1] Dionys. xx. 1 seq.; Livy, *Per.* 13; Polyb. xviii. 28. 10; Front. *Strat.* ii. 3. 21.

[2] Zon. viii. 5; Florus i. 13; Eutrop. ii. 13; Oros. iv. 1. 19.

[3] Plut., *Pyrr.* c. 21; Valerius Antias, fr. 21 P.; Justin, *i.e.* Pomp. Trogus, xviii. 1. 11. (Judeich, *op. cit.*, p. 9, wrongly says that Justin leaves the battle undecided.)

[4] Tarn, *Antigonos Gonatas*, p. 246.

[5] Dionys. xx. 3. 3: Plut., in quoting Dionys. as authority for the incident, wrongly makes Dionys. describe the men of Arpi as Samnites instead of Daunians. According to Plutarch, Pyrrhus uttered his famous epigram ('One more such victory and we're lost') after Ausculum, although all other sources agree in making him say it after Heracleia. Plut. apparently names Dionys. as authority for this also—Dionys. could not have been the authority, for he does not reckon Ausculum a Pyrrhic victory. Niebuhr, iii. p. 589, n. 873, is correct in asserting that Plutarch is not very competent at accurate quotation of his authorities.

[6] The present writer had arrived at this conclusion independently, before he was aware that the same suggestion is made by Judeich, *Klio* xx, 1926, pp. 1 seq.

[7] Except, of course, for the firing of Pyrrhus' camp, which obviously took place on the second day.

[8] Judeich, *op. cit.*, p. 6, n. 3, suggests Beloch placed the battle of Heracleia too late in the year. He probably did likewise in the case of the Battle of Ausculum, which he places in September. Pyrrhus left Tarentum presumably in March; all that happened between then and the battle was his capture (in many cases without a fight—Zon. viii. 5) of a number of towns. As Polyb. could say that one of the Apulian towns—either Venusia or more probably Telesia—was unwalled, we may presume that other Apulian towns were, and therefore fell rapidly. May or June seems a more likely month for the battle.

[9] This is the answer to the query raised by Delbrück, *Gesch. der Kriegskunst*, I^3, 1920, p. 309: how is it that, on the first day, the experienced Pyrrhus has allowed the Roman burgess generals to outmanœuvre him?

the same number of troops.[1] He encamped on the right bank of the Aufidus. For some days neither side stirred. The Romans, who only wished to block a further Pyrrhic advance, naturally made no move. Pyrrhus dallied, possibly in the hope that he could entice the Romans from their strong position. Finally, realising the futility of further delay, he decided to attack. The battle arrays of the two armies are given by Dionysius[2] with meticulous exactitude—an exactitude so meticulous as to arouse the suspicions of some critics.[3] Pyrrhus sent his infantry over the river in an effort to dislodge the Romans, his idea then being to bring his elephants and cavalry into play. But the Romans resisted the Pyrrhic infantry desperately, and at sunset they were still in their position. Pyrrhus called back his men. Perhaps the Romans thought Pyrrhus had given up his attempt entirely. At any rate they left the hilly ground.[4] Early on the following morning they discovered that Pyrrhus, instead of withdrawing, had already occupied the heights with his own men. Thus the Romans were now at the disadvantage of being compelled to fight without the aid of natural conditions, while Pyrrhus was enabled to use his elephants. The special chariots contrived by the Romans as a check to the elephants proved of no avail. The Romans were pushed back by the Greeks, with Pyrrhus in the van,[5] and finally had to flee to their camp, where they rallied. Just as Pyrrhus was clinching his victory he found that his own camp had been fired by a party of Daunians from Arpi, and this distracted his attention from the fleeing Romans, as did also the fact that, although the Romans had lost no less than 6,000 men, he on his own admission had lost as many as 3,505.[6] The size of this casualty list was sufficient to induce him to forgo any further plans he may have had for the campaign of 279 B.C. Probably, too, Pyrrhus himself by now realised that to provoke a general defection of Rome's allies it was necessary not merely to make a warlike demonstration but to inflict a crushing defeat on Rome herself; in this connection, the verdict of Ausculum seemed to confirm that of Heracleia—his victories were of the Cadmean variety.[7] Accordingly, he withdrew to Tarentum, and operations came to a close for the year.

Note.

Since the above article was written, Mr. Robert Gardner, who, when investigating the Via Traiana, explored this area of Italy, has

[1] Dionys. says each side had about 78,000 men: this is generally agreed to be an exaggeration. The Romans are said to have had two consular armies there, *i.e.* four legions, so that Frontinus' figure of 40,000 may possibly be correct. It is calculated that Pyrrhus had about the same. See espec. De Sanctis, *op. cit.*, ii. p. 399, n. 3.

[2] Frontinus also gives us an account of the battle formation. This is not in such violent disagreement with Dionys. or Polyb. xviii. 28. 10 as is sometimes asserted. Frontinus, in order to show that Pyrrhus was obeying Homeric maxims, has exaggerated somewhat.

[3] *E.g.* R. Schubert, *Gesch. des Pyrrhus*, 1894, p. 194.

[4] Delbrück, *loc. cit.*, appositely asks: How is it that on the second day the Romans are no longer in their favourable position?

[5] According to the later accounts of Zonaras and Florus, Pyrrhus was wounded. Even Justin, *i.e.* Pomp. Trogus, makes Pyrrhus sustain a wound, but at Heracleia, not at Ausculum. Niebuhr, iii. 591, suggests that Pyrrhus' wound was an invention to offset that inflicted on the Roman Fabricius. Mommsen, *op. cit.*, p. 403, on the contrary, thinks Pyrrhus really was wounded.

[6] Plut., quoting Pyrrhus, gives these numbers, and they are credible. Later Roman accounts gave different figures, *e.g.* 20,000 lost by Pyrrhus (Frontinus, Eutropius, Orosius), 11,000 (Eutropius) or 5,000 (Frontinus, Orosius) by the Romans. Some accounts say that included in the Roman dead was the consul Decius, who devoted himself in the manner of his forefathers (Cic. *De fin.* ii. 61; *Tuscul.* i. 89), cf. Niese-Hohl, *Grundr. der. röm. Ges.*[5] p. 73, n. 6. We are thrice told that a Decius sacrificed himself in battle—at Vesuvius in 340 B.C., at Sentinum in 295 B.C. and at Ausculum in 279 B.C. Naturally it only happened once, either at Sentinum or at Ausculum. Niese, *Hermes* xxxi, 1896, p. 492, argues for the latter; Kornemann, *Der Priestercodex in der Regia*, 1912, p. 26, n. 2, for the former.

[7] The term applied to the battles by Diodorus, who, despite Hülsen in P.W. s.v. *Ausculum*, *does* mention the Battle of Ausculum; see Diodorus, *Frags. of Bk. xxii.*

written to the author to say that on the whole he is inclined to place the site of the Battle of Ausculum in the Carapelle valley—the country and the characteristics of the stream seem, to his memory, to fit. But he also tentatively suggests that, if Pyrrhus marched up the line of the later Via Traiana, the two rivers concerned would be the Cervaro and the Carapelle, the battle being fought in the valley of the former, and Pyrrhus' camp being behind the latter. It may be admitted that the task of the men of Arpi in setting fire to Pyrrhus' camp would have been less difficult if that camp had been behind the Carapelle instead of behind the Aufidus, as the present writer suggests. But it should also be pointed out that, although it is true we do not know the line of march Pyrrhus had made prior to the battle, we do know that the otherwise unknown town of Ausculum gained fame as being the site of the battle, while the battle, if fought in the Cervaro valley, would assuredly have been named after the town of Herdoniae. Furthermore, we know that the country near the battle was hilly—the country about the Cervaro is flat; and we know that the river on which the battle was fought, although not a 'taktisches Hindernis' as Beloch would have us believe, nevertheless presented some obstacle (*οὐκ εὐδιάβατος*) to anyone attempting to ford it—the Cervaro presents no difficulties whatsoever; it is a mere creek.

AUGUSTAN GATES AT TORINO AND SPELLO.

By IAN A. RICHMOND.

The occasion of the following notes is the publication of Goffredo Bendinelli's useful monograph [1] on Roman Turin, which raises once more the question of the date to which the Gates of that *colonia* belong. Bendinelli does not hesitate to adopt Rivoira's view,[2] and classifies these Gates as Augustan. Yet opinions about this matter have veered considerably,[3] and since no writer discusses in detail the structural points upon which the question turns, it seems worth while to do this and to consider at the same time the great Gate at Spello, known as the Torri di Properzio, which closely resembles the Gates of Torino, and about which Rossini [4] at least raised some discussion.

Torino–Augusta Taurinorum. A start is given here by the town-plan [5] and by the sections of D'Andrade.[6] There is no doubt that the chess-board town-plan, with the Wall which bounds it, belongs to the Augustan *colonia* of 28 B.C., as comparison [7] with the plans of Aemona (34 B.C.) and Aosta (25 B.C.) suffices to prove. Again, the visible part of the Wall, together with D'Andrade's drawings of much that is not now accessible, show that the Wall now visible was the first on its site, and that its construction in receding tiers connects it with the contemporary Wall of Aosta; [8] while its facing, in brick and *opus incertum*, exactly resembles that of the Theatre of Torino, which formed part of the Augustan lay-out and is now visible in the Gardens of Palazzo Chiablese. Further, D'Andrade's work brought into prominence the important fact that the towers preceded the Wall in order

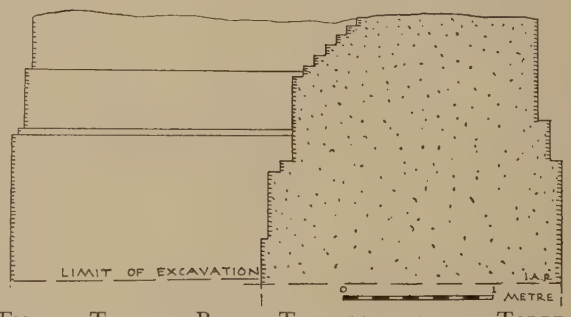


Fig. 1. Torino. Roman Town-wall at the Torre della Consolata, North-west Angle-tower.

of building, since their foundations went deeper than those of the Wall and were built with a series of offsets, against which the Wall itself abutted when constructed not long afterwards. The visible facts which prove this are now less numerous than in D'Andrade's time, but they can be verified either in the Garden of Palazzo Chiablese or at the north-western angle-tower (Fig. 1), outside the Church of the

[1] Goffredo Bendinelli, *Torino Romana*, pp. 1–60; plates i–xxxviii; 1 folding plan. 8vo. Biblioteca Magistrale, No. 23. G. B. Paravia e C. Lire 9.

[2] Rivoira, *Architettura romana*, pp. 65–66.

[3] Schultze, *Bonner Jahrbucher* 118, p. 340; cf. Patroni, *Notizie degli Scavi*, vol. xii (1915), pp. 297–301.

[4] Rossini, *Gli archi trionfali*, p. 3.

[5] Bendinelli, *op. cit.*, folding plan; Haverfield, *Anc. Town-planning*, p. 88.

[6] D'Andrade, *Relazione dell' Uff. Regionale per la Conservazione dei monumenti di Piemonte e della Liguria*, parte I (1883–91), pp. 7–18, *Città di Torino*.

[7] Haverfield, *op. cit.*, p. 116, fig. 25 (*Aemona*); p. 90, fig. 16 (*Aosta*). Cf. Promis, *Atlante delle Antichità di Aosta*, tav. iii.

[8] Aosta; the Wall is 18′ 3″ + high, with offsets at 6′, 11′, and 16′ from the rampart-walk: the type goes back to Sullan Ostia, Alba Pompeia, and Osimo.

Consolata; and they demonstrate that the town-wall and the wall-towers against which this abuts are indubitably Augustan. Nor is there, typologically, any difficulty in accepting this view. The Wall is an early example of brick-facing,[1] but this type of facing is forced upon Torino, since the local stone is all river-boulders, and these cannot be employed for such facing as is expected to stand knocking or strain; thus bricks are everywhere employed for the front face of the town-wall and for quoining in the Theatre, but treated exactly as if the bricks were masonry, and not as if they were a facing of broken tiles. Again, the use of brick also helps to explain the form of the towers, quite apart from the general Vitruvian precept,[2] *turres itaque rotundae aut poligoniae sunt faciendae*: for while round towers are easy to build either in specially-cut stone, as at Paestum,[3] or in *opus incertum*, as at Terracina,[4] or in small *opus quadratum*, as at Fréjus,[5] they cannot be built in brick without more labour than the form is worth, since each brick needs to be specially moulded or cut. Sharp angles in brick, on the other hand, are equally to be avoided, for these, as opposed

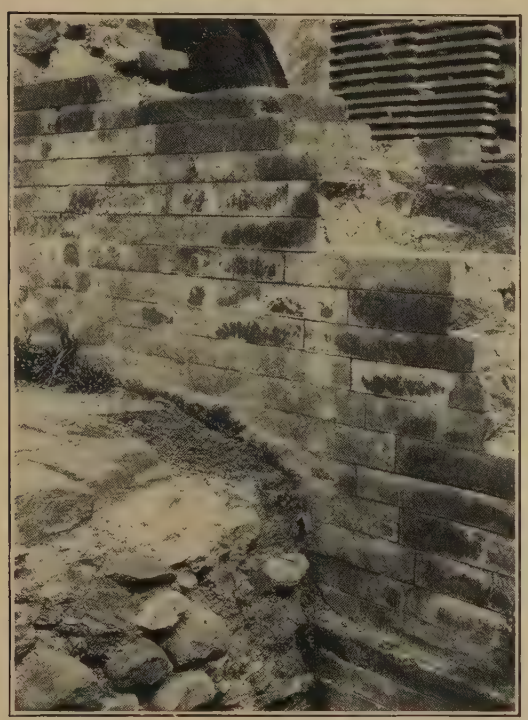


FIG. 2. PORTA PALATINA, TORINO. CONCRETE OF WALL (LEFT) SETTING AGAINST WESTERN BRICK-WORK COURTYARD-WALL (RIGHT).

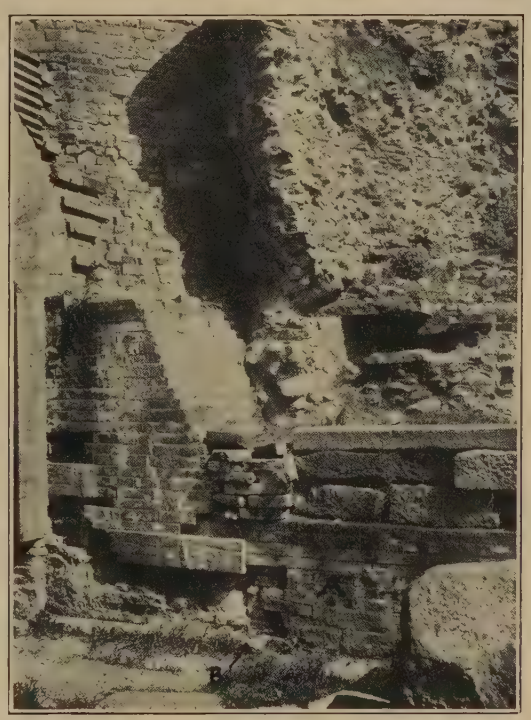


FIG. 3. PORTA PALATINA, TORINO. JUNCTION OF EAST COURTYARD-WALL, A, WITH THE STEPPED BASE OF THE EAST TOWER.

At point B the wall A overrides a plinth belonging to the tower.

[1] Dr. Esther B. van Deman draws my attention to the brick walls of Urbs Salvia, of which I hope to treat, with other examples of this technique, elsewhere.

[2] Vitruvius, *de Arch.* i, 5, 5.

[3] Paestum; MacIver, *Greek Cities in Italy and Sicily*, p. 16, pending the authoritative publication by Maiuri.

[4] Terracina; *Forma Italiae*, Reg. I, vol. i, part i, plate facing p. 146, fig. 7.

[5] Donnadieu, *Fréjus*, p. 92, fig. 46.

to angles built in stone or tile-faced concrete, can too easily be broken away. Polygonal towers are thus demanded at Torino both by the form and by the strength of the material employed to build them, while the general rule would emerge, with its converse, that the smaller and weaker the material, the more segments polygonal towers are likely to have.

The relation of the Wall and towers being clear, it remains to define that of the Wall and Gates. The visible facts are to be found at Porta Palatina, and may be stated briefly as follows. Both sides of the enclosed courtyard of the Gate were built before the Wall, since the concrete of the Wall was allowed to set against them (Fig. 2). Both of these sides, on the other hand, are built with bricks of exactly the same type as those used in the Wall, and thus the interval of time between the building of the courtyard and the Wall was probably not long. On the other hand, the courtyard is clearly preceded by the Gate, since its wall is built against the back of the Gate with a straight joint for fifteen courses (Fig. 3) and then climbs up the back of the tower-basement with a stepped raking-joint. The relation of the straight joint to the foundations of the Gate is obscured on the west side of the courtyard; but it is clear that the eastern courtyard-wall lies on top of a plinth belonging to the Gate foundation, and there can be little doubt that the same thing happened on the west. But, once more, each wall of the courtyard is built of the same material[1] as the Gateway and the Wall, and therefore the structures must be contemporary.

Fig. 4. Porta Palatina, Torino. The Bonded Structure of the Western Tower-base and Gateway-pier.

The relation of the Gate-towers to the Gateway now demands attention. First come the tower-bases, square structures, linked with the sixteen-sided towers built upon them by a stepped plinth. The relation of the bases to the front of the Gateway is clear at the west tower (Fig. 4), where the tower-base is one and the same structure as the Gateway-pier adjoining it, the coursing being carried through evenly and the two structures bonded with

[1] The bricks measure 0·27—0·28 × 0·42—0·44 × 0·055—0·07 m., thus closely resembling those of Augustan Mérida (see *Arch. Journal*, lxxxvii, p. 109).

specially-cut L-shaped bricks. At the eastern tower, the relation of the base to the back of the Gateway is correspondingly plain, for the base of the tower is built up as a straight vertical structure (see Fig. 3), without the usual stepping, and thus forms the actual side of the Gateway. There is every reason to suppose that similar conditions obtained on the west, but here rebuilding has obscured the ancient evidence. It is thus clear that the ground-floor of the Gateway and the tower bases were built at exactly the same time; and it has already been seen that the courtyard was added immediately afterwards, and was in turn complete, before the Wall was built up against it. If doubts remain upon this point, they may be set to rest by examining the relation of the Gate-towers to the Wall. This is clear on the east side of the Gate, where the Wall not only climbs up on top of the stepped plinth of the tower-base, but is actually built with a brick face receding in tiers so as to fit the stepped work like a glove, with the effect that the two brick faces impinge upon one another as a raking stepped bond (Fig. 5). It is evident that this happened also at the western junction, but only three courses of stepping are visible, and their relation to the tower is much less obvious.

The contemporaneity of the whole lower storey of the Gate is thus clear, and it only remains to ascertain whether the towers are homogeneous throughout, and what is their relation to the two upper storeys of the curtain. At first sight, the large proportion of yellow-toned bricks confined to the two upper storeys might seem to hint at a different epoch of construction. But much of the difference in tone is to be explained by the relative amount of exposure to destructive weathering which the two parts have had. The best proof that the two structures were built together is the fact that both towers (see Fig. 7) are slightly battered towards the top and that the curtain, from top to bottom, is run up against them. It is thus evident that the curtain could have existed neither as an independent structure (with a wall wider at the top than at the base), nor, again, as the appendage to any other tower than that against which it now rests. Finally, the bonding of the tower and the curtain, at both back

Fig. 5. Porta Palatina, Torino. East Junction of the Wall (A) with the East Gate-tower (B), showing the Stepped Bond.

and front, demonstrates that both structures were actually built at the same time, just as in the ground floor. In the front (Fig. 6), the bricks of the curtain impinge upon the concrete of the tower, and contrariwise, in well-marked groups; whilst at the back (Fig. 7) through-stones are introduced, to bond the towers and curtain, in such a way that neither can have preceded the other, but both must have reached precisely the same height at the

moment when the through-stones were placed in position. In short, the two structures grew together, from plinth to parapet; and, without a doubt, the Gate was built first, and followed, in separate stages, by the courtyard and by the Wall. But, in all the stages, exactly the same material is used, and therefore the constructional intervals are, as at the Wall and Wall-towers, of no moment to the historian, but of great interest to those who would study the habits of Roman builders.

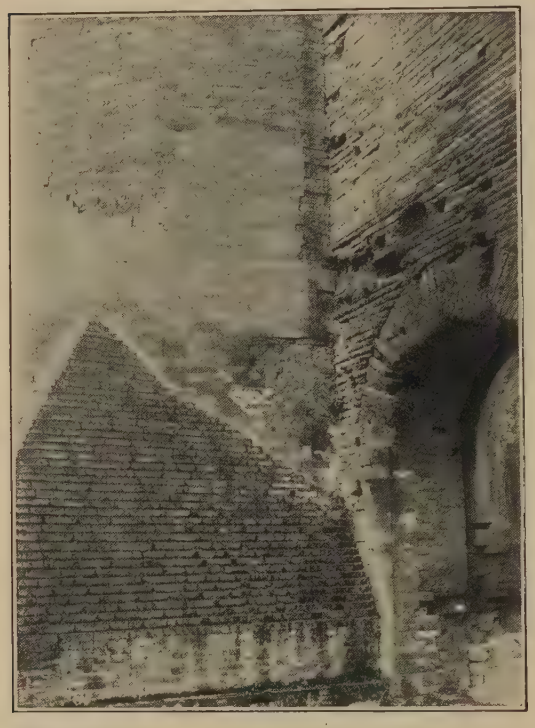


Fig. 6. Porta Palatina, Torino. Junction of Curtain and East Tower.

The smooth, lighter-coloured brick-work and the stepped base are modern refacing.

The East Gate of the town, discovered below the Palazzo Madama in 1898, has much the same story to tell. But it is less easily accessible, and the best details are now given by a series of accurately rendered drawings prepared at the time by Bertea, and preserved in the Palazzo. These tell us little about the upper storeys; but they shed light upon the foundations, showing that those of the towers went much deeper than those of the curtain or the Wall, and thus explaining fully the meaning of the lowest plinth visible at Porta Palatina,

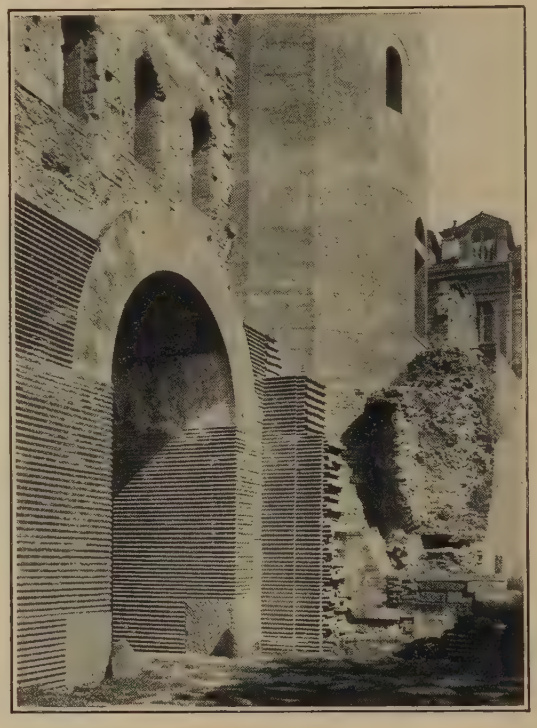


Fig. 7. Porta Palatina, Torino. Rear of East Tower, showing Junction with Curtain-wall Bonded with Through-stones, and the Construction of the Town-wall.

The chamfered brick-work is modern restoration.

demonstrating that it marks only the top of a considerable brick-faced foundation.

Spello–Hispellum. The foundation-date of this delightful colony, placed to develop the rich agricultural resources of the Chiaggio (*Clasius*) valley, is not certain, but it belongs to the early Augustan series,[1] with the title Colonia Iulia. There still remain long stretches

[1] Strabo, v. 2. 10.

of the Wall of the Upper Town and six Gates, including the Arch of Augustus, which is certainly to be numbered among them. The Gates vary greatly in character, but the three important ones face the lower town and the

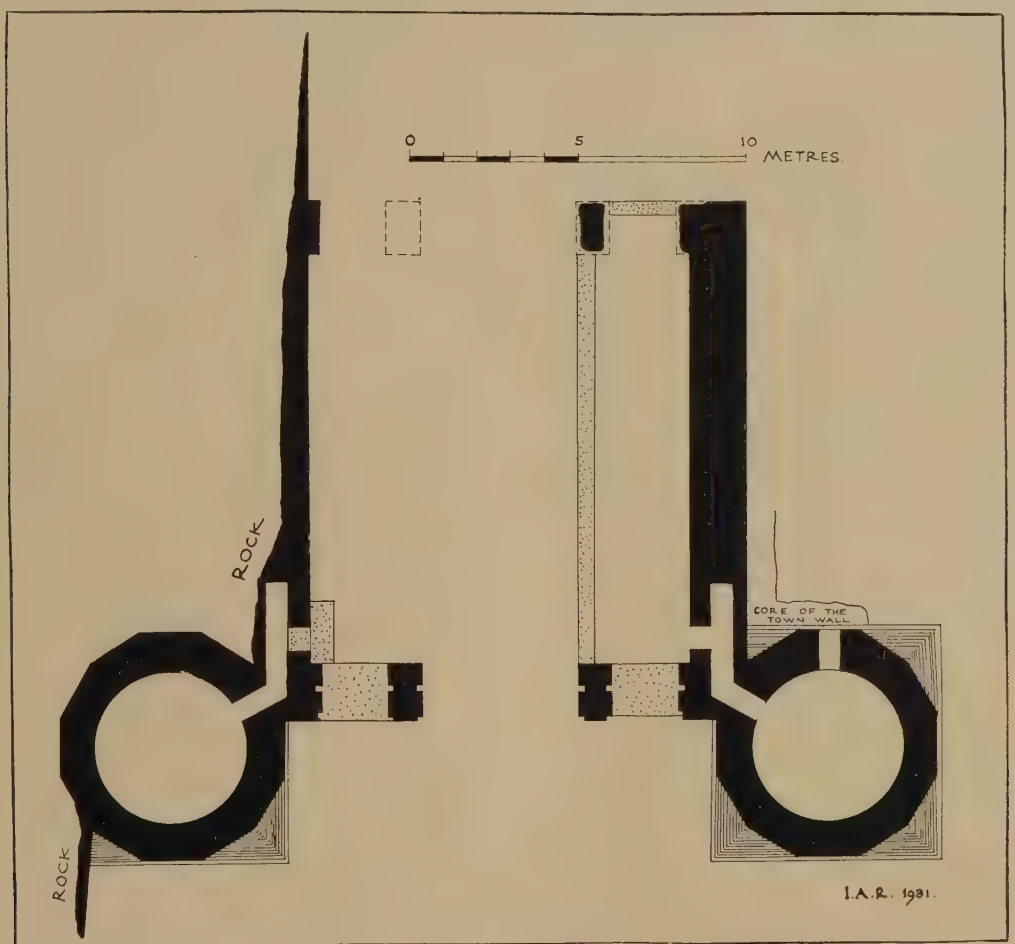


Fig. 8. Porta di Venere, or Torri di Properzio, Spello. Ground-plan.

Via Flaminia, and of these the 'Torri di Properzio' can be detected afar off by the approaching traveller. This Gate connected the Upper Town with the Public Buildings in the plain below, and therefore was given a more splendid form than any other Gate on the circuit. The first modern architect to measure it was Serlio,[1] who noted that its towers possessed an elaborate machicolated roof of Piedmontese type, no doubt dating from the conversion of the Gate to a mediaeval fortress. His reconstruction of the curtain, with its decorative triple arches, is more imaginative, and the pediment with ornamental finials must undoubtedly be discarded. But Rossini,[2] in 1835, recorded sufficient decorative material to warrant the Serlian restoration of the lower

[1] Serlio, vol. iii, pp. 70–71 (edn. 1544), pp. 66–67 (edn. 1562). Cf. Peruzzi, Uff. 634 r. and v.

[2] Rossini, *op. cit.*, tav. xvii.

storey, and even to-day (see Fig. 10) just enough remains to enable a verification of their drawings. Something may even be added, for the enterprising Sindaco Crispoldi has recently cleared away the foundations of the southern tower and exposed the stepped plinths at the angles which are so notable a feature of this Gate. Rossini [1] also executed

Fig. 9. Torre di Properzio, Spello. The Northernmost Tower of Porta di Venere.

Note the courtyard-wall (right) attached thereto.

a plan of the north tower, but gave it eleven sides instead of twelve and thus misinterpreted the function of the stepped angles.

A description of the Gate may therefore begin by correcting Rossini's account. The towers are twelve-sided (Fig. 8), with circular interiors, but no central pier; and they stand upon square bases, while the upper structure, built in segments each 1·80 m. long, turns through the right angle at each corner in two segments (see plans, Fig. 8), connected with the base by a stepped plinth. Below the stepping, however, the treatment of the bases in each tower is very different, since the Gate is built on a steep hill-side, and had to be erected upon an extensive terrace or platform.

Thus, whereas the south tower is founded on the solid rock, the north tower, forming part of the edge of the terrace, stands upon a huge square base which is almost a tower in itself (Fig. 9). From the upper level, however, the towers are built almost the same, but the southern tower has a vaulted ground floor, which provides thus a concrete first floor, level with the top of the Wall and the hill behind it. The basement below could be used for stores or as the prison of the local legend, which calls it, and its companion, 'Prigione d'Orlando.' The northern tower's ground floor, however, was provided with a means of communication with the Wall, by a square-headed door (see Fig. 9), covered by a relieving-arch, in its westernmost segment; and this led out on to the rampart-walk, now broken away (see plan, Fig. 8), which ran in between the Gateway courtyard-wall and the edge of the cliff. The next floor of both towers of the Gate possessed one loophole, while the topmost storeys were fitted, in each alternate side, with six long windows which have slightly recessed heads, as at Torino and Asti [2] (see Fig. 9). The defensive arrangement is, however, exactly that of Fréjus.[3] How the towers were roofed is not now clear. Serlio restored an elaborate sloping roof, supported on machicolations. But this treatment, like that which he applied to the top of the curtain, must be either imaginary or mediaeval, and it will be noted presently that the scale of the actual remains of the curtain suggests that the towers once possessed another storey above those now visible.

[1] Rossini, tav. xvi. [2] Rivoira, *op. cit.*, p. 63, fig. 57, Torre di S. Secondo. [3] Donnadieu, *loc. cit.*

The curtain is now much ruined, although everything to the north of the main arch is standing, as a mass of concrete embedded in the house built into the Gate. There is even a trace left of the portcullis-slot of the main arch. Of the decoration (Fig. 10), the northernmost great pilaster stands, with the frieze above it, crowned by a storey in small blockwork embellished with attached columns, exactly as at Aosta.[1] Indeed, there can be little doubt that a similar arrangement of arcades crowned it, for Rossini suggested a solid attic [2] in the belief that the Gate was decorative and not defensive, and that the towers were later additions. This, however, cannot be true, since the towers are carefully bonded in to the curtain, and the passage-ways leading to them are constructed as one mass of concrete belonging to one scheme, as the plan shows. Thus there can be restored, with confidence, a Gate very like the East Gate at Aosta, though the scheme of its decoration was more elaborate. In the panels above the smaller arch some type of ornament is demanded, and Rossini's instinct led him to supply medallions like those of the Arch of Constantine. He was probably right in the general scheme, but the manner of the age demands something smaller in scale than he suggested, more like the plaques on the Arch at Rimini,[3] if this type of decoration be chosen. This is, however, a small detail, which does not affect the general aspect of the Gate. Much more important is the fact that the top of the upper storey in the curtain comes level with that of the uppermost storeys now preserved in the towers; for, granted this, both the analogies of Torino and Asti,[4] and the alternate arrangement of windows on the spot, point unmistakably to the original existence of a fourth storey, reduced later to fit the machicolations figured by Serlio.

Behind the curtain there was an Inner Court (see plan, Fig. 8). This had a rearward triple arch and thick lateral walls, of which the southern was a terrace-wall, continuing for some distance behind the Court itself, while the northern forms the outer wall of the house built into the Gate, and is best visible from outside, as a structure set back

FIG. 10. TORRE DI PROPERZIO, SPELLO. JUNCTION OF CURTAIN WITH TOWER, SHOWING TRACES OF DECORATION.

from the town-wall and distinct from it though parallel to it. The rearward north arch of the Court forms the end wall of the house and is now blocked, but can be seen below the house, in a cellar-storeroom. Finally, the respond of the south archway, bonded in with the terrace-wall, was unearthed

[1] Schultze, *op. cit.*, pl. xiii.
[2] Rossini, *op. cit.*, tav. xvi.
[3] Rimini: Rossini, *op. cit.*, tav. xii; Curtis, *R. Mon. Arches* (*Suppl. Pap. Amer. Acad. Rome*), vol. ii, p. 33; Noack, *Triumph und Triumphbogen* (*Vorträge der Bibliothek Warburg*, 1925–26), taf. I, abb. 2.
[4] Rivoira, *loc. cit.*

by the Sindaco Crispoldi, and is visible in an enclosure at the side of the road. The size and type of the Inner Court are thus quite clear. There is no reason to believe that its height exceeded one storey, for both lateral walls finish off at this height on a sharply defined horizontal line, as if to suggest that only the parapet which crowned them has been

Fig. 11. Porta di S. Ventura, Spello.

Note the absence of towers, and the return of the extrados mould as an impost mould on the arch.

lost since ancient times. The access to the towers also deserves note. This is managed, on each side, by a passage contained in the thickness of the lateral wall. Both passages are accessible, but while the southernmost has been damaged by the insertion of a modern door and flights of steps both internally and externally, the northernmost has lost only the east jamb of its original door and is almost intact. The latter was also seen by Rossini,[1] who failed to understand it. Actually, both passages give access to the towers, and resemble in type, though not in plan, that of the north tower of the Porte de Rome at Fréjus.[2] The doors in each are of exactly the same type as that which connects the north tower and rampart-walk, being square-headed, with a relieving arch above the heavy lintel; and the structure throughout is exactly the same as that of the towers. Finally, the plan demonstrates that the towers are arranged in relation to the Gate, and therefore it is obvious that both elements were planned at one and the same time. Had they been additional, they would have been applied to the edge of the courtyard square, instead of being bonded therewith.

The lay-out of the Gate is unexpectedly symmetrical.[3] It is planned so that the courtyard forms an exact square. The towers are attached by using one segment for contact, and they are approached by a passage which bisects the said segment. A perfectly regular plan is thus achieved, and the great difficulties offered by the steep site are overcome with admirable ingenuity. The result is a Gate which is practically impregnable, the more so since the approach thereto is flanked by a long stretch of town-wall. Yet, however good the defence, it is evident that the towers of this Gate must have been built primarily for decoration; for the other Gates of the town, though very much more vulnerable, had no towers (Fig. 11); and this one, by its relation to the lower town and by its conspicuous position, demanded and received the greatest decorative effort. Even to-day its mutilated remains vividly break the simple lines of the hill-town which they no longer protect.

[1] Rossini, *op. cit.*, tav. xvi.

[2] Personal observation; no published plan of this tower seems to exist.

[3] I desire to thank most warmly the Town Engineer, Sig. Luigi Frattini, who helped me in measuring this part of the Gate.

Spello, Torino and other Augustan Gates. Once the proportions of the Spello Gate are realised, their close resemblance to those of Torino becomes self-evident. Both belong to the same age; they are built to the same type of plan, although Torino has two carriage-ways instead of one; the same device of stepped plinths is used to connect the polygonal and rectangular forms; and the window-heads of both have the same peculiar set-back, meant to define the arch amid the flat surface which surrounds it. Finally, both Gates must fall very close together in date, since both belong to early Augustan colonies, and it is thus tempting to assign them to the same architect. Yet, since Asti has a precisely similar tower to those of Torino, and there is a strong likeness between the upper storeys of Spello and Aosta, it seems better to explain the affinity by recognising these Gates as the products of a school of Augustan town-builders who worked to a common scheme, with a limited number of variants. Epigraphy has already testified to the existence of such a school, working between Pozzuoli, Cumae, Formiae and Terracina, and connected, as Lugli points out,[1] with the atelier of C. Postumius Pollio. There are traces of another group at Verona,[2] perhaps linked with the great architect Vitruvius Pollio himself. Zaragoza [3] even provides an example of the importation of a complete working staff. Here, however, the actual remains bear witness to a connection, while the personages are now to seek: and Noack [4] has pointed out a strikingly similar connection between the Arches of Pola and Orange.

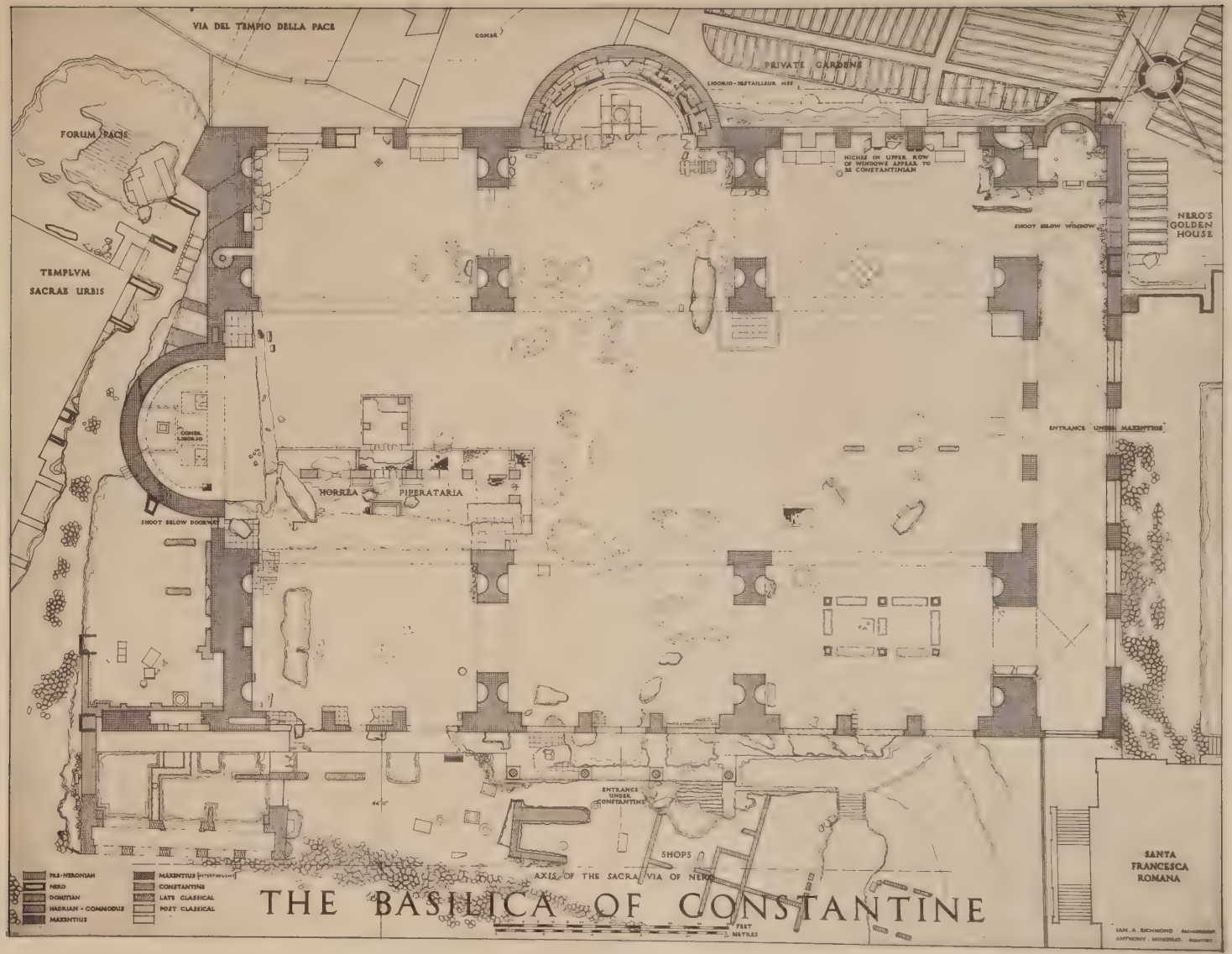
Further, wherever this type of Gate originated, it is new to the lands in which it was planted. The older type, common throughout Italy [5] in the last century of the Republic, was the simple courtyard Gate, with double or triple entrance, as at the Porta Consolare in Spello itself. The tactical object of this kind of Gate was to entice and to trap the assailant, and thus its front arches are merely an ornamental frame for a portcullis, while the strong doors are at the back of the Inner Court. Into the Inner Court a limited number of the enemy were enticed at one time, whereupon the front portcullises dropped, and the trapped assailants were slaughtered or taken prisoner. Thus the front entrance was designed to invite by its simplicity, and, if towers flanked it, these were arranged some distance away, as ordinary wall-towers rather than as part of the Gate structure.

During the closing years of the second Triumvirate, however, an innovating movement commenced. This is represented by such Gates as those of Fréjus,[6] which disconnect the triple-arched entrance from its usual courtyard and set it in a ' half-moon ' between two towers. This design is connected, through Aquileia,[7] with the Peloponnese; but the Roman engineers, in modifying it as at Fréjus, saw that a flanking defence by towers was incompatible with the courtyard type of Gate, and that the enfiladed ground in front of the Gate must take the place of the courtyard in trapping, if towers were to be employed. But not all architects were influenced by this tactical point. The ' Torri di Properzio ' at Spello demonstrates quite clearly that the architects of Gateways were often paying more attention to decoration than to tactics, and thus supplying towers as pure embellishments, for monumental effect. Again, symmetry, as the plans of Aosta and Torino demonstrate, often led to courtyard Gates being supplied

[1] Lugli, *Forma Italiae*, Reg. I, vol. i, part i, p. 82: *C.I.L.* x, 1614 (*Pozzuoli*), 3707 (*Cumae*), 6126 (*Formiae*).
[2] *C.I.L.* v. 3464.
[3] *Eph. Epigr.* viii, p. 527, no. 316.
[4] Noack, *op. cit.*, p. 183.
[5] Cf. Pompeii, *Mon. Ant.* xxxiii (1930), tav. i.
[6] Wheeler, *J.R.S.* xvi, p. 181, fig. 59.
[7] Brusin, *Aquileia* (1929), folding plan.

with towers. Still more rapidly the size of the courtyard begins to decrease, showing that it is being considered no longer as a trap for assailants, but as a convenient post for transacting the examinations needed at City Gates in connection with market-dues and passports. All the great courtyards are confined to the transitional group to which Torino and Spello belong. Already Nîmes (16 B.C.) shows signs [1] of this metamorphosis, for the Inner Court is very small, and Autun (12 B.C.) is still further changed,[2] for the portcullis is beginning to disappear, Porte S. André possessing them, while Porte d'Arroux has none. An interesting example of the mixed type is the Trajanic Balkerne Gate of Colchester,[3] planned as the older form of projecting towerless Gate, but lacking a portcullis and provided with guard-chambers. But the general tendency is not to revert to the towerless type, as the somewhat earlier Claudian Gate at Vindonissa [4] (A.D. 50) demonstrates. Finally, the Hadrianic Gate of Verulamium [5] marks the culmination of the process; the courtyard Gate has become a monumental arcade, protected by massive towers, and flanked by spacious guard-chambers. The next stage will be the development of exterior defences.

[1] Nîmes, Schultze, *op. cit.*, tav. xiii.
[2] *Ibid.*, taff. xx, xxi*a*.
[3] Wheeler, *J.R.S.*, vol. ix, p. 142, fig. 13.
[4] Wheeler, *J.R.S.*, xvi, p. 181, fig. 59.
[5] *Discovery*, December, 1930; pending an authoritative publication by Wheeler.

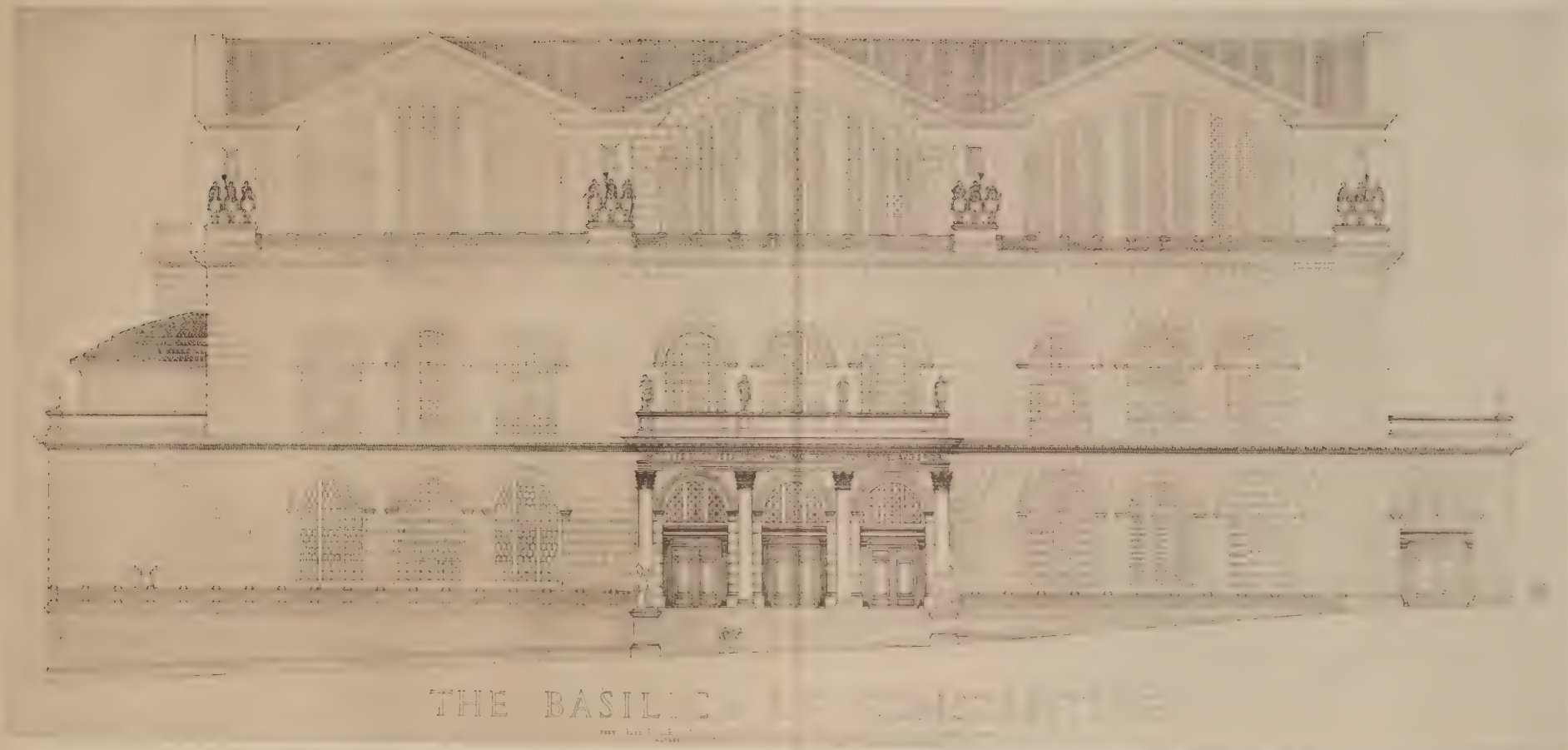


I. PLAN OF BASILICA OF CONSTANTINE SHOWING ALTERATIONS AND PREVIOUS REMAINS.

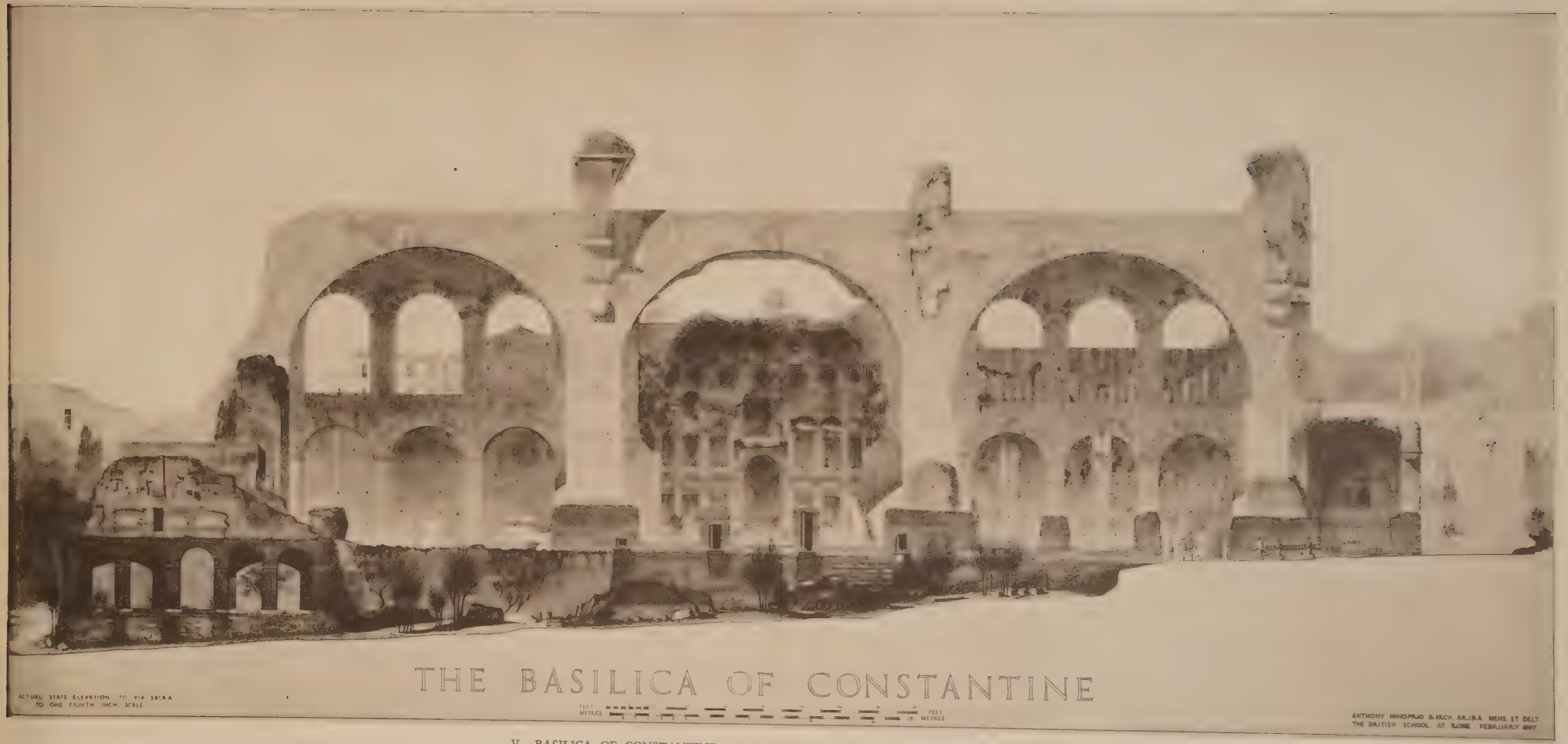
II. BASILICA OF CONSTANTINE: ACTUAL STATE LOOKING EAST.

PLATE III.

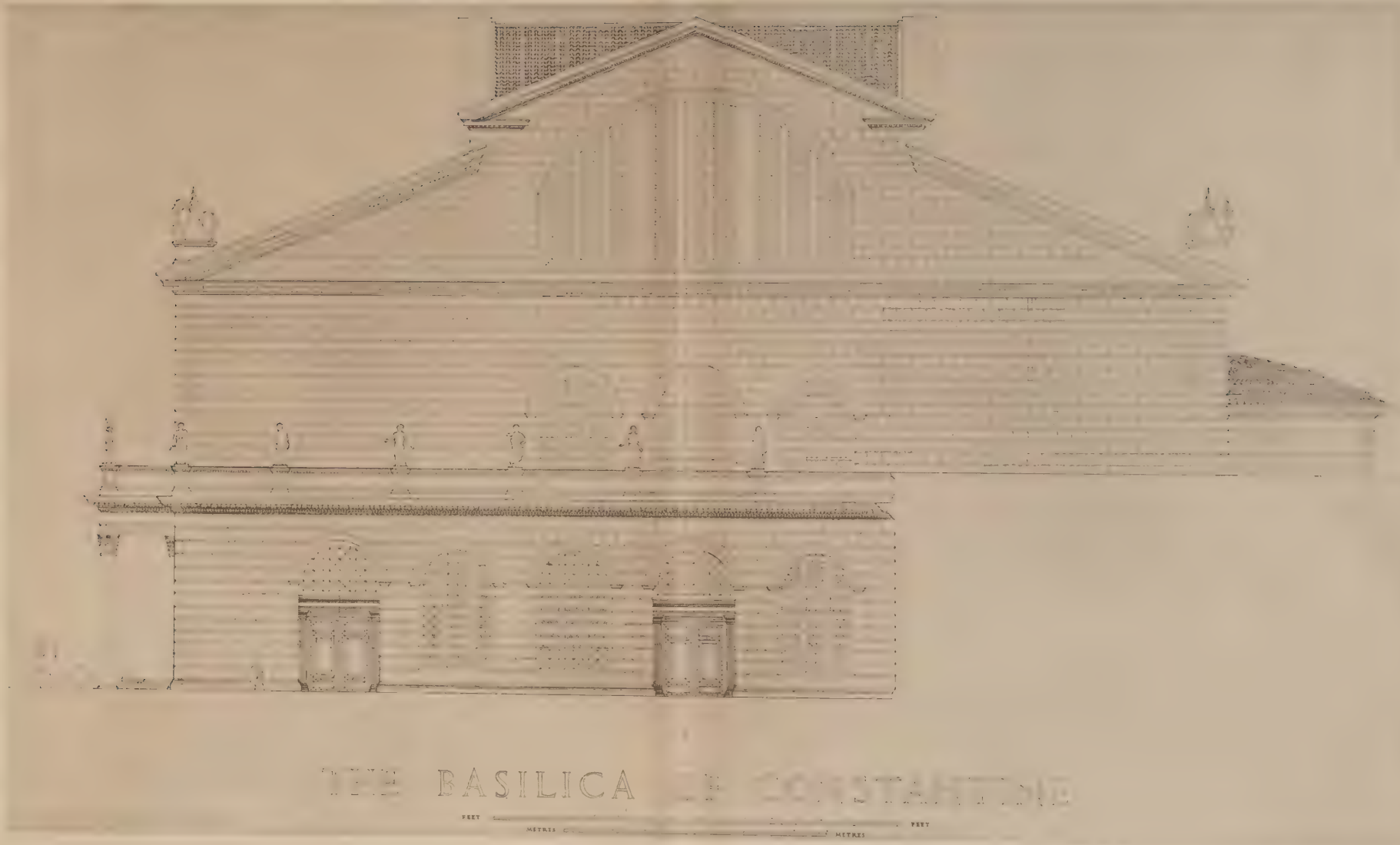
III. BASILICA OF CONSTANTINE: ADDITIONAL ENTRANCE FROM SACRA VIA.



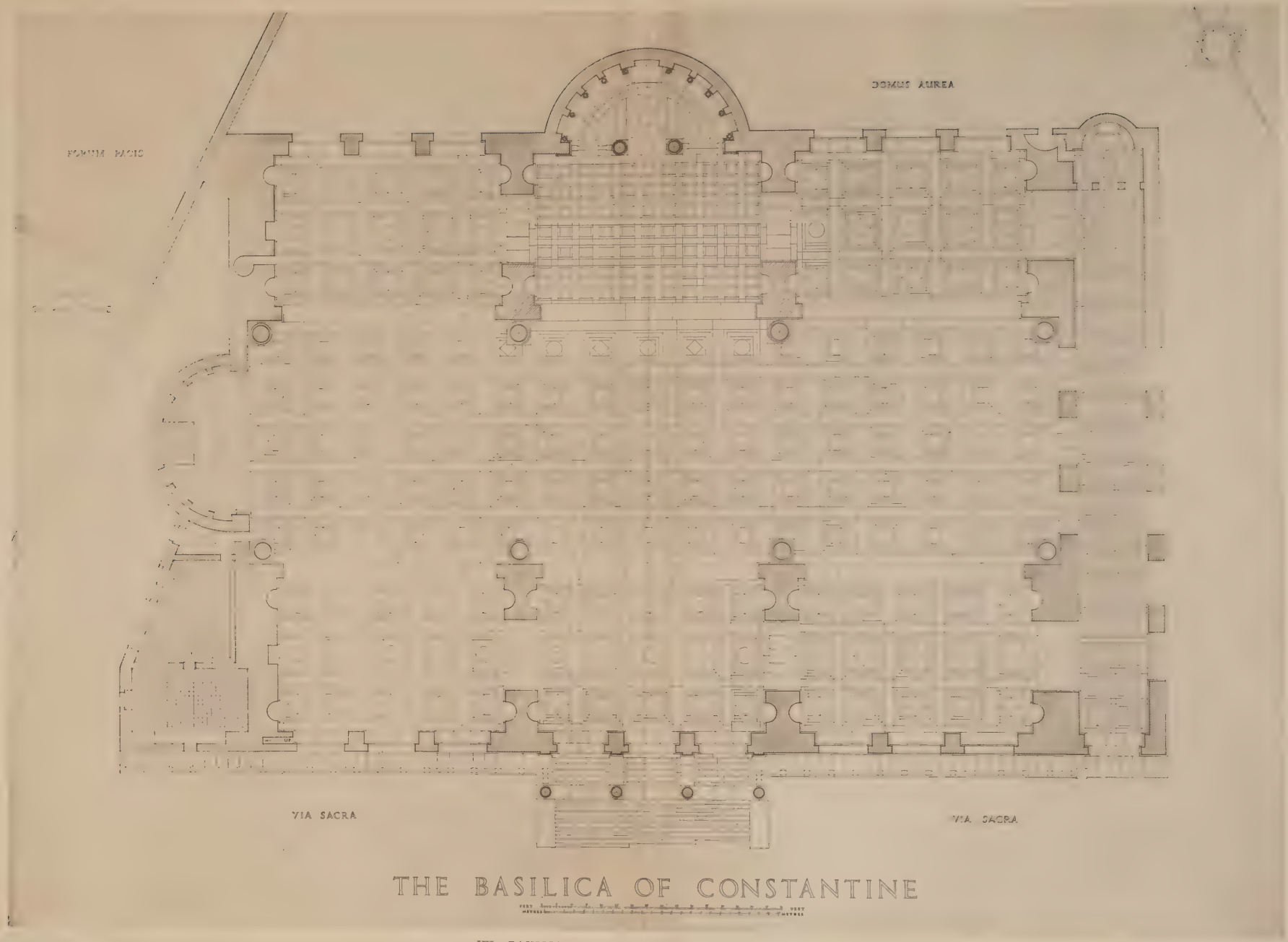
IV. BASILICA OF CONSTANTINE: RESTORED FAÇADE ON SACRA VIA.



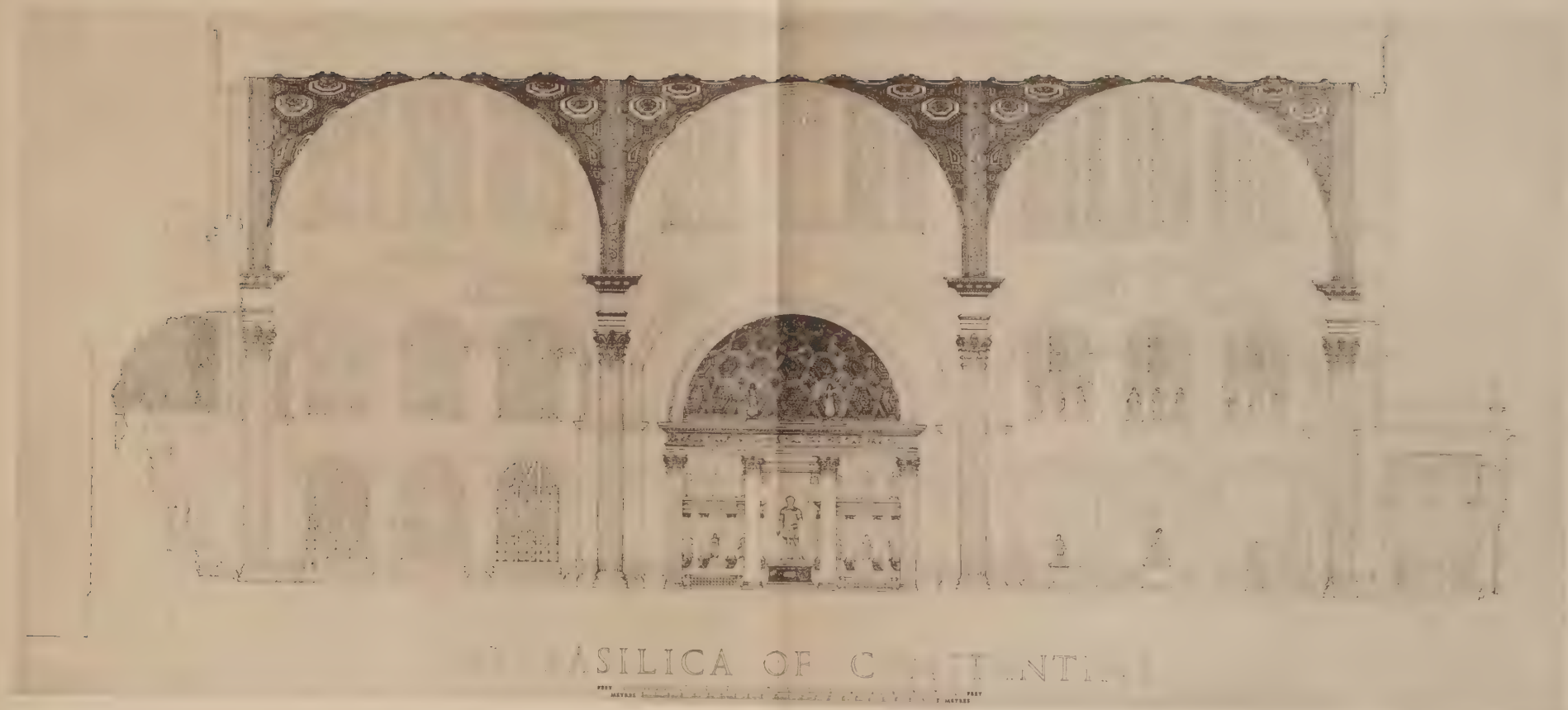
V. BASILICA OF CONSTANTINE: ACTUAL STATE VIEWED FROM SACRA VIA.



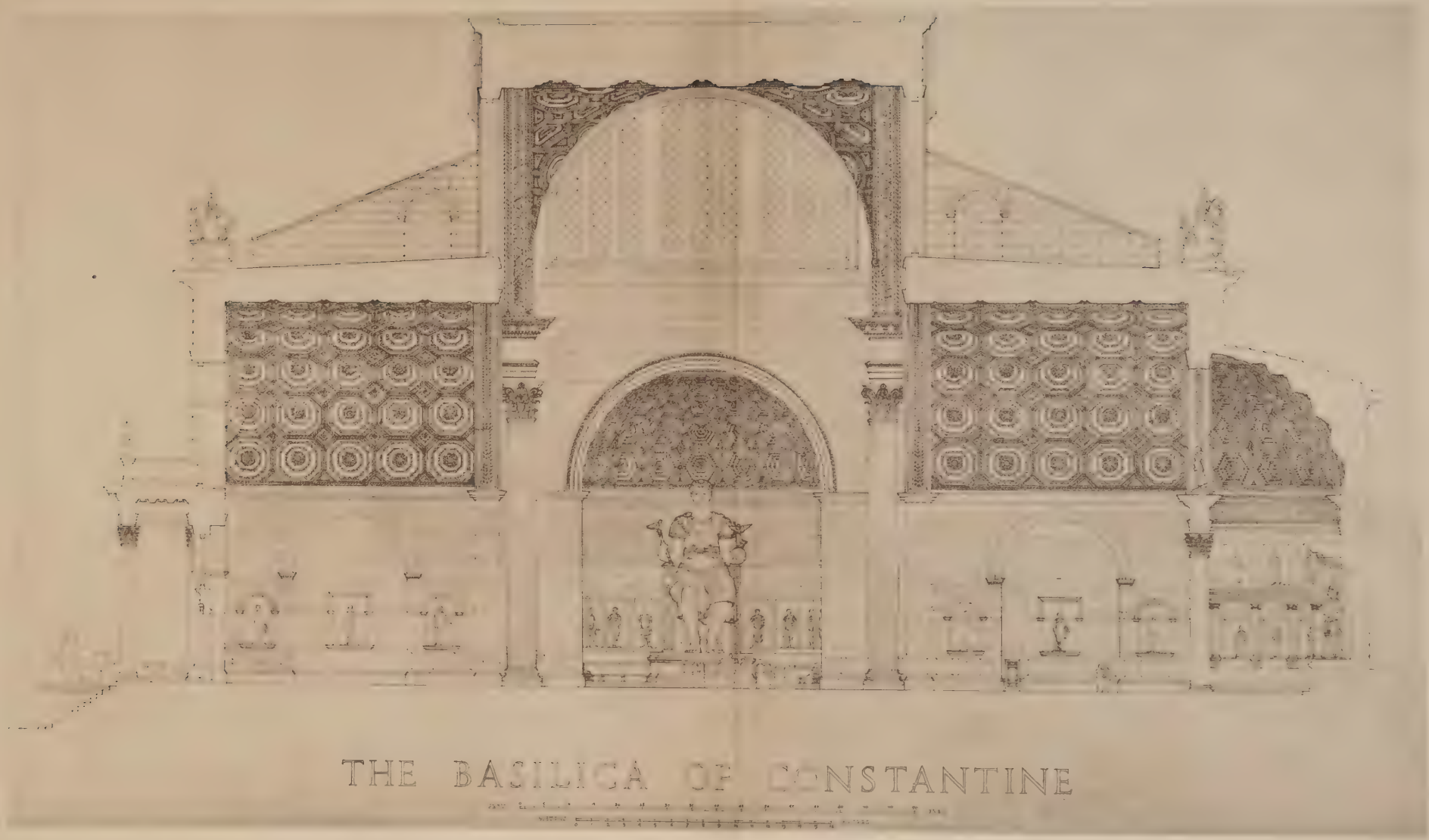
VI. BASILICA OF CONSTANTINE: EAST FAÇADE RESTORED.



VII. BASILICA OF CONSTANTINE: RESTORED PLAN.



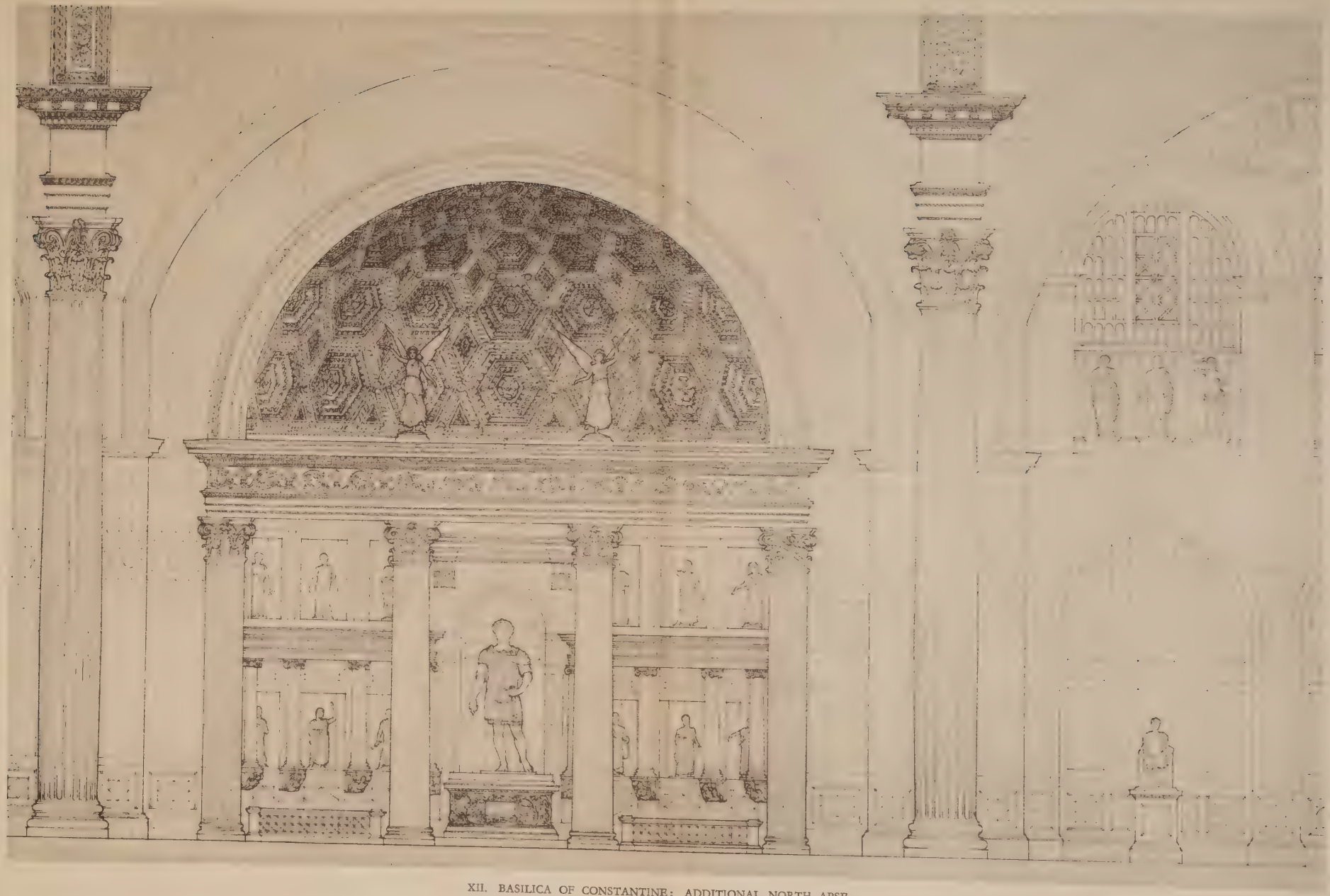
VIII. BASILICA OF CONSTANTINE: RESTORED CROSS-SECTION THROUGH LONG AXIS.



IX. BASILICA OF CONSTANTINE: RESTORED CROSS-SECTION THROUGH SHORT AXIS.

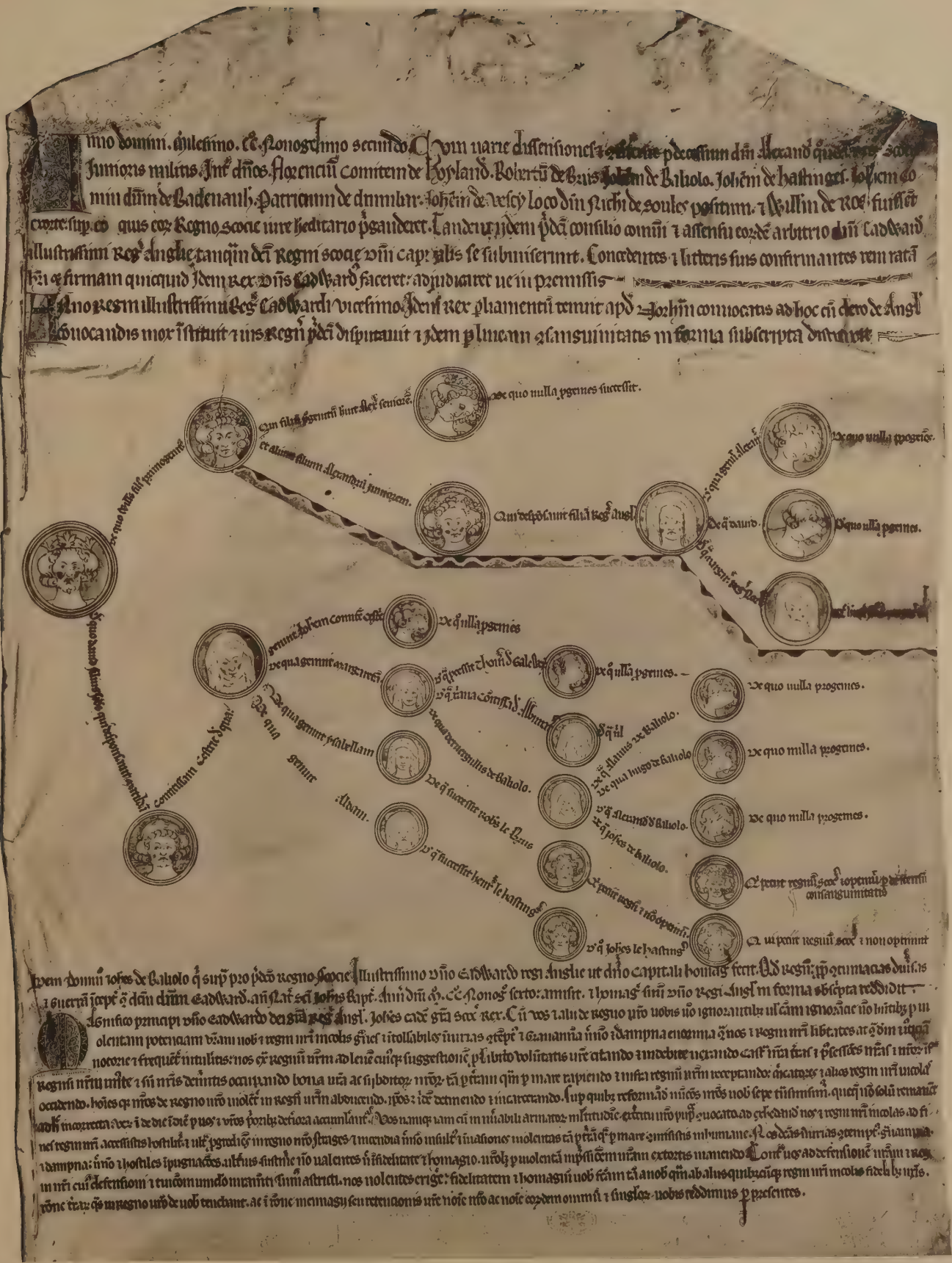
X. BASILICA OF CONSTANTINE: PERSPECTIVE OF NAVE AND NORTH BAYS.

XI. BASILICA OF CONSTANTINE: WEST APSE WITH COLOSSAL IMPERIAL STATUE.



XII. BASILICA OF CONSTANTINE: ADDITIONAL NORTH APSE.

XIII. BASILICA OF CONSTANTINE: ACTUAL STATE LOOKING WEST.



GENEALOGICAL CHART OF THE COMPETITORS AND BALIOL'S LETTER OF DEFIANCE.

Hoc exemplum transumptum est p me Constantinum Nottinum infrascriptum de quodam publico instrumento confecto sub anno Dni M°CC°XCV° indict. xiiij. die mensis Decembris pontificatus sanctissimi in Christo patris et Dni Dni Bonifacii divina providencia pape octavi anno primo, per discretum virum Dnum Johannem de Sancto Remigio, clericum Cameracensis diocesis, publicum auctoritate apostolica notarium, ad petitionem Dni Johannis Regis Scotie, ut in eodem instrumento dicitur, cujus tenor sequitur. In Christi nomine amen. Nos Raynaldus Dei gracia episcopus Vicentinus, apostolice sedis nuncius super negocio reformande pacis inter dominos Dei gracia illustres reges Francie et Anglie, ac dilectos filios nobiles viros Philippum Francie et Edwardum Anglie reges illustres, regnum et moneam primo secundo et tercio et peremptorie vos dilectos Johannem de Baylluel Regem Scotorum et presentes et omnes alios et singulos de clero et laycos cujuscunque ordinis status dignitatis seu condicionis existant presentes et absentes ad quos presens nra littera quocumque pervenerit quod cum vos dictus Rex pretextu assignacionis et cessionis vobis ut asseritis factarum per illustrissimum patrem et dominum nostrum dominum Bonifacium divina providencia papam octavum, cum pendente et ex eo de consensu et voluntate predictorum regum, ex quibusdam obligacionibus et instrumentis nobis recipientibus et stipulantibus ut dicitur estis non recedere a nobis nec a loco ubi locis in quo vel quibus nos esse seu morari contigerit, aliqua ratione vel causa, vel a loco seu locis in quo vel quibus nos esse seu stare contigerit, vel ad que vel quos nos ducere vellemus seu ducturos vel per alium seu alios duci facturos, sine nra expressa et libera voluntate ac licencia sub excessus pena et penis aliis et premissione et obligatione per nos vobis ut dicitur factis, et tenacius et sub virtute prestiti juramenti nos recedatis absque nra expressa licencia vel alteri super hoc a dicto Dno nro Summo Pontifice speciale mandatum habentis. Et ubilibet omni exceptione et excusacione remotis et statutis quibuscunque ubicunque et quocunque vobis semel et pluries mandabimus seu mandaverimus nunc futurum et hic vobis expresse mandamus nunc sub penis et juramento predictis. Et quod nullius cujuscunque status ordinis seu dignitatis existat nos mandata ordinaciones et dispositiones nras circa hec audeat sub ea earum pena quibuslibet impedire seu eorumdem attemptare aliquam vos dictum Johannem Regem Scotorum ex nunc prout ex tunc gerentem facientes et eumdem seu assentiendo excessus et ad obligationes ac juramenti penis in hiis scriptis decernimus subjacere. Nos omnes alios et singulos tam de clero quam laycos cujuscunque ordinis status seu dignitatis existat nos ut alios quod nobis quibuslibet impedientes vel molestantes predicta vel aliquod predictorum excessus nra indicia et sententias seu loca eorum si dicti loca fuerint supponimus ecclesiastico interdicto. Et quia sentencia nulli absolvi valeat nisi a nobis vel a superiori nro vel de ejus licencia speciali. Lata et promulgata fuit data nra in scriptis per dictum Dnum Vicentinum sedentem pro tribunali presentibus dicto Dno Johanne Rege Scotorum et multis de ejus familia et aliis audientibus ipsi anathemate in Cameracensi ecclesia Cameracensi diocesis coram religiosis viris fratribus Garnerio magistro in theologia et Theoldo de Braysio ordinis minorum et discreto viro Gilleto de Archetello capellano Abbatis Trajectensis de Ley et Jacobino de Concorezo domicello dicti Dni episcopi Vicentini et aliis pluribus testibus ad hoc vocatis. Anno nativitatis Dni millesimo ducentesimo nonagesimo nono. Judicione decima nona mensis Decembris pontificatus dicti Dni Bonifacii pape octavi anno quinto.

In eodem anno indictione et pontificatu die quindecima mensis Decembris apud castellionem Lingonensis diocesis in hospicio Andree Civis hospitis. Coram viris venerabilibus Dno fratre Guidone abbate de Pulcereyo ordinis cisterciensis et fratre Hugone de Villariis dicto Blader ordinis minorum et Dno Thoma canonico Lugdunensi et Petro de Sancto Legino doctore legum et Alberto de Ley et Petro de Habundia domicellis dicti Dni episcopi Vicentini et aliis pluribus testibus ad hoc. Et in presencia mei .. apostolici Vicentini notarii presente dicto Dno Johanne Rege Scotorum sedente pretribunali in scriptis suprascriptis et sua huiusmodi ut dicitur Johanne Rege Scotorum et aliud inde audiente et approbante mandatum dicti Johannis Regis Scotorum presentes ut dicitur cum familiaribus ipsius Dni episcopi Vicentini dictum seu castrum quod dum abbas Clusinarcy Lingonensis diocesis sub penis contentis in eisdem scriptis suprascriptis et quod inde non recederet aliqua ratione vel causa sine ipsius speciali licencia et mandato.

Ego Constantinus dictus de Pozalo dictus archidiaconus publicus apostolica et imperiali auctoritate notarius hoc exemplum de predicto instrumento confecto per dictum Nerium Spironelli notarium predictum auctoritate predicta mandato dicti Dni Johannis Dei gracia Regis Scotorum illustris manu mihi fideliter exemplavi nil addens ut minuens quod sensum mutet aut variet intellectum et ad majorem roboris firmitatem hic meum signum apposui et me subscripsi rogatus.

EXEMPLAR RELATING TO BALIOL'S IMPRISONMENT.